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California JOURNAL

INDEPENDENT ANALYSIS OF POLITICS AND GOVERNMENT

Privacy in the computer age

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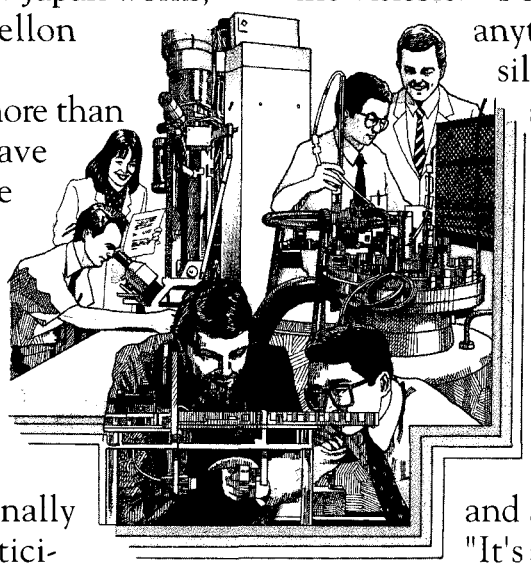
Where U.S. Researchers Find a Home Away From Home In Japan

Researchers are adventurers at heart. So it's no surprise that when Hitachi invited materials scientist Dr. Joseph O. Artman to spend six months this year working at its Central Research Laboratory (HCRL) in Tokyo, he eagerly accepted. "It gave me an opportunity to work in a new area, magneto-optics, and to see for myself how Japan works," recalls the Carnegie Mellon University professor.

Dr. Artman is one of more than 40 U.S. scientists who have worked in Japan over the last six years as participants in Hitachi's Research Visit Programs (HIVIPS). The programs aim to advance science through collaborative research and to enrich participants' lives personally and professionally. Participants work side-by-side with Hitachi scientists on basic problems in electronics and information systems.



For Dr. C.A. Cain, chairman of the University of Michigan's Bioengineering Program, HIVIPS proved a welcome sabbatical. "For the first time in years, I was able to pursue new ideas without interruption," he says. "In my time there, I basically defined my research directions for the next five years."

HIVIPS participants were struck by the effort to make them feel at home in Japan. "One of the nicest things about the program was the friends I made," says Dr. Cain. "We still do joint research and exchange visits," he adds.

HCRL's research facilities impressed the visitors. "I could do just about anything to a piece of silicon that I wanted to," says John Snyder, a Stanford University doctoral student in electrical engineering, who worked on a new kind of transistor. The visitors also appreciated the natural beauty of HCRL's campus,with its goldfish-stocked lake and sheltering woodlands. "It's an oasis of calm in Tokyo," says Dr. Cain.

Hitachi is proud to sponsor the HIVIPS program. We believe that it can make a significant contribution to science, to its participants' lives, and to a better understanding between the U.S. and Japan.

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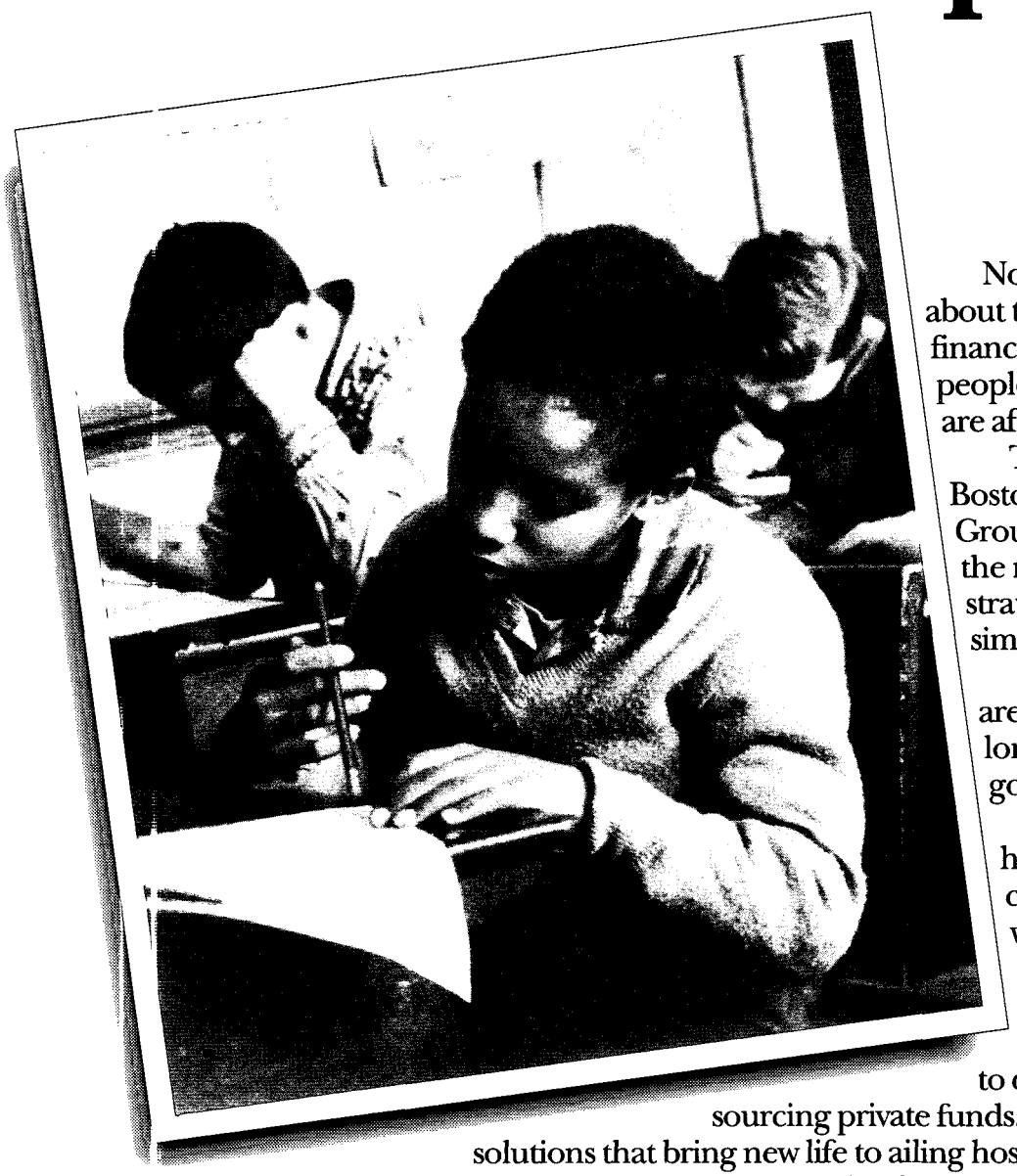

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California JOURNAL

NOVEMBER 1991
VOLUME XXII, NUMBER 11

Privacy in California 493
Many government agencies in California keeps records on computer, but who guards access to your personal data?
By Joel Kugelmass and Gregg McVicar

The reapportionment failure 503
The Legislature passed three different reapportionment plans. The governor vetoed all of them. By A.G. Block

Safeseat 507
When it comes to drawing district lines, how do you determine a competitive district? By Ed Costantini and Charles Dannehl

Carving up California 513
The advance in computer technology since the 1980 reapportionment has given everyone a chance to draw district maps. Or, has it?
By Eric Auchard

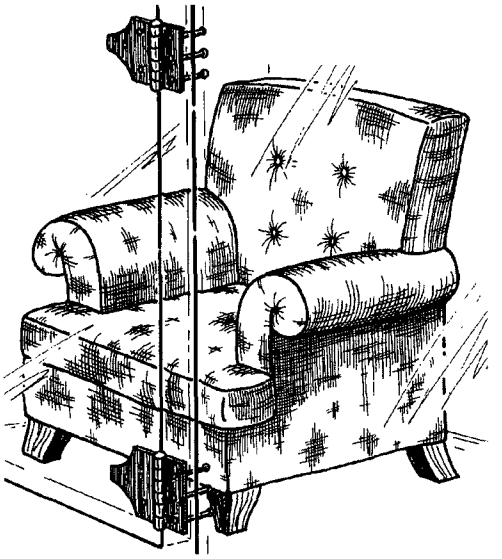
Rick Rollens 517
One man juggles three of the Senate's most powerful jobs.
By Kathleen Z. McKenna

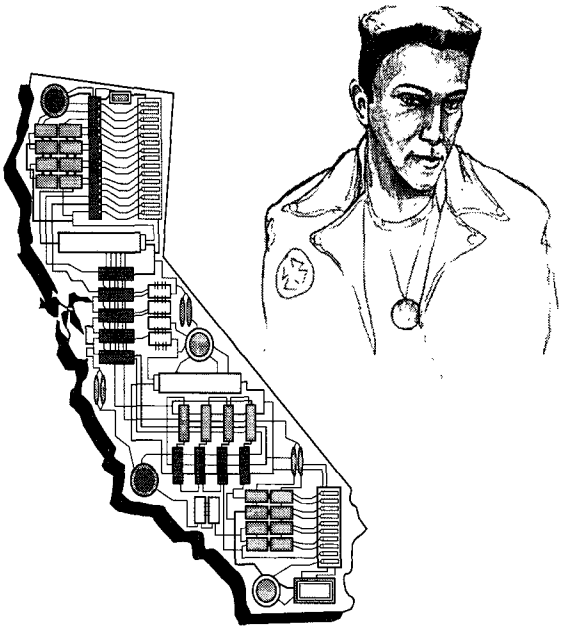
Runaway children 519
The number of children running away from home is growing; the ability of the state to deal with them isn't.
By Chris Ziegler and A.G. Block

Gary Condit 525
As a member of the Assembly, Gary Condit was an iconoclast. But that same kind of behavior in Congress has offended some powerful people. By Michael Doyle

Oh, Canada 529
New trade agreements with Canada have given California its own version of "Northern exposure." By Erik Wat and A.G. Block

Up Front	490
Rostrum	491
Soap Box	500
Ballot Front	526
Washington Perspective	532





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UP FRONT

Gloom descended on the Capitol last month with the state Supreme Court ruling on Proposition 140. The Court, which only a few months earlier had ruled that an invasion of its own turf (in the form of restrictions on its power to rule in criminal cases) was a "constitutional revision" that could not be done by initiative, refused to extend that same courtesy to the Legislature. Proposition 140, the Court decided, did not fundamentally change the power of the state's lawmakers. Lifetime bans from political office also did not offend. Indeed, the only section of the initiative that the Court voided was the one that would have proscribed legislative pension rights. Now there was a clause to strike fear into the hearts of jurists, lest some enterprising public do-gooder cast a glance toward judicial pension plans.

But if the powers of legislators were not altered by Proposition 140, their politics were. First, they were faced with the problem of further cuts in staff. As Halloween drew near, legislative leaders were faced with cuts in their own political staffs or the professional and non-partisans in the Legislative Analyst's office. Since all of them are now faced with the prospect, within the next five years, of finding a new political office to win or developing new career goals, the early betting was that they would see more value in retaining political hacks.

Now, of course, voters will have to contemplate just what type of legislator they are likely to get under Proposition 140. Backers of the measure assured voters that it would be mom or pop from the corner grocery store; someone who wanted no more than to come to Sacramento, put in a couple of years of public service, and then return to the private sector. In short, a character modeled on the measure's prime sponsor, former Los Angeles County Supervisor Pete Schabarum, who spent well on to 30 years in politics. But the last time I looked, there was no grocery store on the corner. And if the "rule of unintended consequences" holds true, the smart money says that the next generation of politicians will be more eager, more ambitious, more grasping than the current crop. After all, they have only six years, tops, to make their mark and advance. And the path upward is clearer than ever before.

No one can say that Assemblyman Steve Peace won't have work to fall back on, should Proposition 140 find him returning to the private sector. While laboring in the Legislature's fields, Peace has also been sowing crops back home: tomatoes, to be precise. Peace is the "genius" behind the cult classic, "Attack of the Killer Tomatoes." Times were once tough for the bright red vegetables, but in recent years the public's appetite is apparently unsatiable. Just recently, the cartoon version edged out Muppet Babies and Winnie the Pooh for top ratings on Saturday morning, a feat we gather is the most astounding development in television since Bart Simpson took on Bill Cosby. Later this year, we're told, there will be a home video release of "Killer Tomatoes Strike Back" to be followed by "Killer Tomatoes Eat France" sometime next year. Ah, gay puree.

The outlook wasn't bright
for the Wilson team that day.
As he tried to pitch to Stanford
police held the crowd at bay.
Suddenly from the outfield
an orange flew toward the mound.
But Wilson reached to snatch it
To admiring looks all 'round.
So, now his home town nine,
the Padres is their name,
Have invited Pete to join their team
and ride to the Hall of Fame.
Now he'll join ole Bip and Fred,
he'll dress alongside Gwynn.
He'll chew tobacco with Santiago;
the team can't help but win.
And the Padres know the value
of this star without a peer.
They've offered to pay Pete Wilson
one whole dollar a year.

Seems we've convicted poor John Lewis again. In our story last month on the Assembly Republican Caucus (see "The broken elephant" *CJ*, October 1991), we mentioned that Lewis, a former assemblyman now in the state Senate, had been convicted of forging Ronald Reagan's signature on a hit-piece letter mailed to Democrat Dick Floyd's constituents during the 1986 campaign. We said that the conviction had been overturned on appeal because Lewis' actions did not fit the technical definition of forgery. Well, we got the last part right. Actually, Lewis was *indicted* on forgery charges but never brought to trial. It was the trial court judge — not an appellate judge — who ruled that signing Reagan's name to a campaign letter did not constitute legal forgery. In case you're experiencing a *deja vu*, don't worry. We tried to convict Lewis once before on the charge — and ran a similar correction.

While we're on the subject of correcting erroneous minutiae about Republicans, Assemblywoman Tricia Hunter of San Diego informs us that she is 39 years old, not 45 as we reported in "The broken elephant." Hunter also said she did not abstain on Proposition 98 funding but supported both bills involved (SB 188 and SB 1049).

"(Standing before the electorate in annual elections) will teach (elected officials) the great political virtues of humility, patience and moderation, without which every man in power becomes a ravenous beast of prey."

— John Adams

Come across a blurb lately that's nosy, newsy or smartalecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front." So, rush your items to Up Front, 1714 Capitol Avenue, Sacramento, CA 95814. Sorry, submissions cannot be returned.*

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ROSTRUM

Education funding

Your coverage of education funding in the 1991-92 state budget was misleading (see "Education avoids a hit," *CJ*, September 1991). In spite of your journalistic objectivity, you fell for the "big lie" designed to shield the governor and the Legislature from the damage wrought on our schools.

This was the worst state budget for public schools since Proposition 13. As a result, some 30 local districts are at risk of bankruptcy. Thousands of teachers have been laid off, class sizes are larger than ever, and many districts are forced to consider cutting the pay of teachers and other employees.

In Los Angeles, the state budget cuts have resulted in a $274 million shortfall, bringing total cuts in Los Angeles to nearly $600 million over the past 18 months. Those that would seek to attribute this funding crisis to our teachers' contracts are simply failing to read and understand the state budget.

Proposition 98 was not "saved." Rather, it was gutted so that all that remained was the symbolic shell. The governor and the Legislature played out a cynical accounting game, reducing the 1991-92 education budget to make up for the alleged "overpayment" of the previous year. Considering that Proposition 98 established a "minimum" level of funding, the creation of the "overpayment" concept shows contempt for the needs of California's schools. In the future, look beyond the self-serving rhetoric of budget makers and read the bottom line.

MARK SLAVKIN
Member
Los Angeles Board of Education

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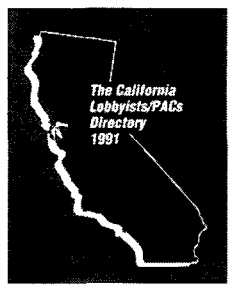

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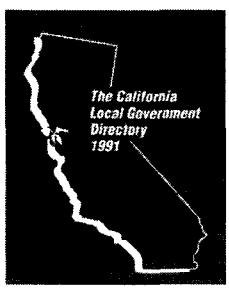

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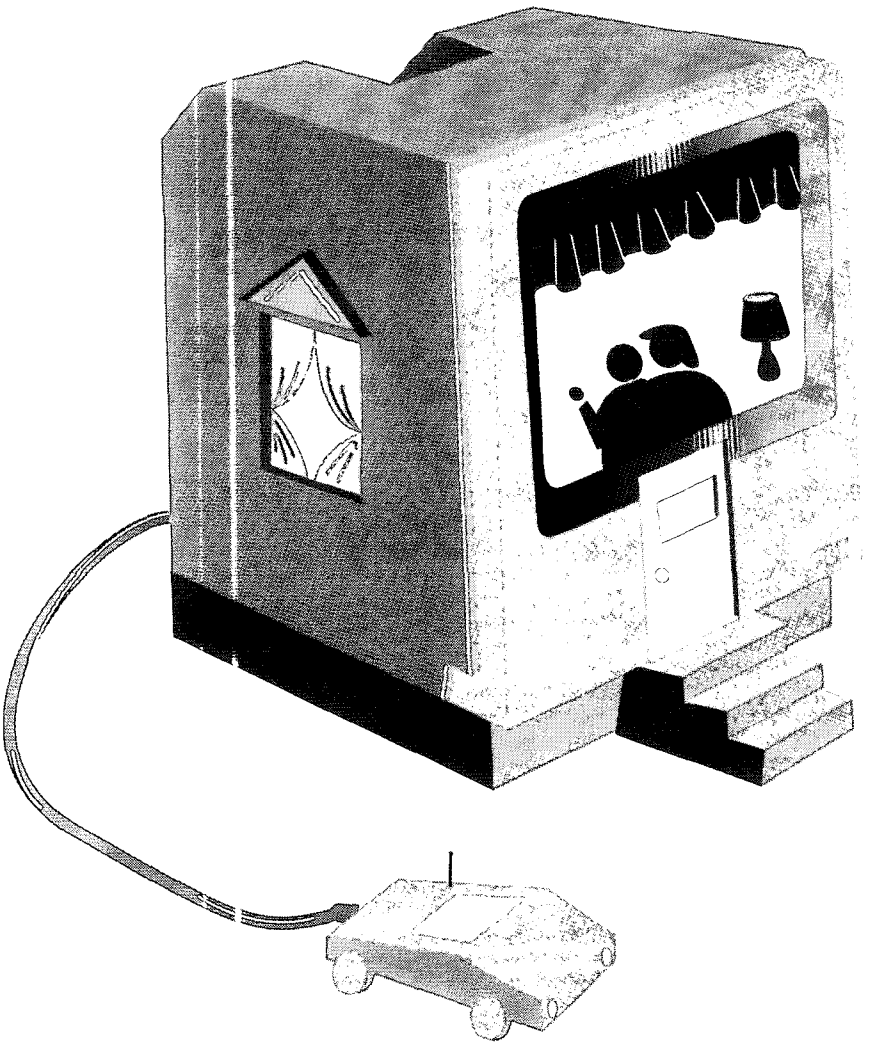

State computers take a byte out of privacy

By Joel Kugelmass and Gregg McVicar

I stand on the terrible threshold, and I see
The end and the beginning in each other's arms.
— Stanley Kunitz, 1944

John Doe is in big trouble. He's abandoned his family, cloaked himself in a new address, and shirked a court order to pay family support. Thanks to a spate of legislation on the books or likely to be, John Doe will soon be caught in an information dragnet of extraordinary proportion.

At the behest of the Department of Social Services (DSS), gas, telephone, and electric utilities will plumb their records for Doe's name and billing address. The driver's license record bearing his whereabouts will be retrieved. If Doe's in a trade union, address and employment information in union files must be released to the requesting district attorney.

His name and various personal "identifiers" will be placed on a "no-no list" compiled by DSS and forwarded to licensing boards; if Doe enjoys a state license, it will be suspended until he no longer owes family support. His tax returns will be analyzed in detail to debit his tax refund and garnishee his wages. Just in case Doe is out of work, unemployment insurance benefit files will be searched, and if subject records, as they say, show that Doe has money coming, it will be paid over to DSS instead.

Not all of these measures are new, but enforcement of family support came up with a vengeance this past legislative session. One twist not only affects John Doe but *anyone* doing business

---

Joel Kugelmass, a senior analyst at UC Davis, writes about technology. Gregg McVicar, president of Pacific Multimedia, is a veteran radio producer whose latest production, "The Privacy Project," is airing over public radio stations around the country.

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with the Department of Motor Vehicles. A bill (SB 395) introduced by Republican Senator Rebecca Morgan and overwhelmingly approved, makes the Social Security number (SSN) part of every individual's DMV records. The use of DMV records — and the privacy of those they name — has been more sensitive in the few years since a psychopath allegedly bought DMV address data from an information vendor in Arizona, found the home of actress Rebecca Schaeffer, and then killed her as she opened her front door.

"It's time-efficient," said Margaret Chisholm, a consultant to Senator Morgan, explaining the tapping of DMV databases. The senator, she continued, is "very concerned about privacy," but "the question must be asked whether someone relinquishes his right to privacy when he fails his child's right to financial support."

No legislator and few Californians would shed a tear for John Doe. After all, Doe's behavior is behind an estimated $2 billion owed in family support, money whose selfish pocketing accelerates child deprivation, increases welfare and social-service expenditures, and promotes family crisis. His privacy rights, if they get in the way of enforcing court-ordered support, would only seem to succor wrongdoing — and what could be right about that? But the tension between pursuit of "bad" John Does and the privacy of everyone else, the "good" Does, did provoke some dissent.

One of the few to oppose SB 395, independent Senator Quentin Kopp of San Francisco, argued that it promotes "a national identification system." In a postmortem interview, Kopp said, "The SSN will be used for other purposes than that which was intended. Sponsor a bill with a beneficent purpose and legislators just lay down and vote for it, ignoring privacy implications. Our privacy is being chipped away, and the Legislature is responsible."

Throughout state government, "robot-driven utilizations," as Kopp calls them, are underway or in preparation to an extent that might surprise even computer-friendly Californians. At the DMV, for example, the fattening of individual records with SSNs is only one aspect of a tooled-up system. The system's purpose is to deliver personal data ever more efficiently to businesses and to other government agencies.

Already, some 3.5 million people have received a new-style California driver's license (or identification card for non-drivers). Nicely laminated, with a designer hologram to foil counterfeiters, it also sports a magstripe on the back. No, the new license was not developed in the DMV's four-year long feasibility study for law-enforcement purposes. Rather, the data-bearing stripe, according to a DMV briefing paper, is for the agency's "commercial customers." A merchant simply "swipes" the license through the commonplace credit card reader to enter a person's name, license number, and date of birth into a computer database.

To a consumer wishing to a cash a check or get a credit card purchase accepted, electronic identification appears innocuous, even convenient. Anthony Walker, DMV's systems development manager, believes consumers will benefit from shorter lines in stores. What the consumer doesn't see, how-

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ever, is that purveying data, for a fee, is already big business at DMV; 1990-91 revenues for data sales were estimated mid-year to exceed $50 million.

Some 14,000 commercial "requesters" and nearly 8000 government and law-enforcement agencies submit 110 million queries a year for data. The number of individual records they involve is many times greater. Some 52 requesters are information resellers, including a dozen in other states, who relay the data they get from DMV to information-hungry clients.

Ken Reed, chief of DMV's "information policy" unit, emphasizes that requesters are carefully evaluated before being allowed to receive data. According to Reed, six DMV information auditors annually review some 600 to 800 requesters to verify that DMV terms and conditions for the use of its data are respected.

But once you're in, you're in, DMV assured the many thousands of commercial requesters as it implemented AB 1779, a bill by former Democratic Assemblyman Mike Roos that restricted DMV data releases in the wake of the Schaeffer murder. DMV wanted to assure users that services would continue uninterrupted and that it would readily renew their access privileges.

Both Reed and Walker said that the DMV didn't know why the retail community wanted magstripes or what would be done with the data they can now "swipe.' A DMV background paper only mentions a possible commercial use of "tracking of bad checks in larger retail communities."

However its own economic interest is clear. Electronic identification and the SSN make DMV databases even more valuable; these innovations dramatically multiply potentials to link DMV data to information gathered elsewhere. Preliminary discussions, for example, are starting between DMV and the state Department of Health Services about using the new license as the MediCal card.

Because the new licenses cost about 30 cents apiece more than their predecessors, DMV needed a budget increase. Bill Julian, chief consultant to the Assembly Utilities and Commerce Committee, said the augmentation was approved by the Legislature without any discussion of privacy. "It was viewed purely in procurement terms," he said.

Walker said new licenses (and identification cards) do not affect personal privacy because people "disclose the information on the license voluntarily."

But while a person may disclose information to write a check, do they expect their data to be culled for unrelated purposes?

Meanwhile, a few miles away, the California Department of Transportation (CalTrans) is putting in motion the equivalent of a magstripe on the back of every car in California. Officially, Automatic Vehicle Identification or AVI has been developed for automatic toll collection on some seven tolls roads currently being planned (see "For whom the road tolls, *CJ*, August 1991). To use them, cars will carry little radio "transponders" that flash vehicle information (license plate registration and vehicle identification number) to roadside receivers buried, perhaps, in the pavement. From there, the data travels through telephone networks to a toll computer and triggers charges against the toll road user accounts. Such systems are now operational in Dallas and New Orleans. Les Kubel, new technologies and materials manager for CalTrans, says the embedded radio works well even in speeding cars.

AVI planning has been led by an inter-agency task force. One of its members, Captain Michael Howard, head of the special projects office for the California Highway Patrol, sees a much broader implementation of AVI. Anticipating the eventual installation of transponders in all automobiles, the CHP wants AVI to help track down stolen cars. CalTrans specifies that the device be able to relay about the number of words in this paragraph. It could also let the CHP know, for example, whether a car has passed a vehicle emission inspection.

Howard also foresees "congestion pricing." In this scheme, cars pass through electronic gates as they approach an urban center and are charged an entrance fee, using AVI, scaled up according to the time of day and degree of commuter glut. In another application, car poolers swipe their licenses through an in-board card reader and inform the transponder, and thence the smart road, that the required number of passengers have boarded.

Sound farfetched? "It's about five years old," said Professor Andrew Frank of the University of California, Davis, Mechanical Engineering Department and a transportation consultant on many CalTrans projects. According to Frank, data radios are routinely built into automobiles-to-be to control progress through assembly lines. They are now deactivated before their hosts leave factories for the market.

In mass production, the electronic identifiers could cost as little as five

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dollars each; they could even be built right into "smart" license plates. The AVI can be energized by the roadside transmitter when it "asks" the car to identify itself. Frank says it would only take about 12 years, given automobile turnover in California, for 95 percent of all cars to have built-in AVIs once transponder installation is mandated.

If smart plates were deployed, AVI could happen much more quickly — and new plates may be coming down the pike. The CHP is lobbying for legislation that requires new, uniform plates on the front and back of all cars to make identification easier. Senator Kopp insists that people shouldn't have to buy more than one. The disagreement has so far stymied a license plate replacement bill.

Kubel said AVI isn't a privacy issue since it merely sends by radio waves what license plates already send by light waves. The information is involuntarily made public. For example, some months ago a CalTrans system photographed license plates on cars traveling certain Bay Area roads, retrieved the owners' names and addresses from the DMV, and turned the data over to private toll road developers. Car owners were surprised to receive surveys in the mail asking why they were using such and such a road and where they were headed when they did.

Road consumption was, of course, impregnated in the photographs "filled in" by reflected light without driver approval. AVI, however, can electronically tail a car for its whole journey. Paradoxically, the new licenses don't compromise privacy because identification is handed over "voluntarily," and AVI doesn't compromise privacy because the vehicle ID is handed over "involuntarily."

Because of privacy concerns, Captain Howard said AVI wouldn't be used by the CHP to identify drivers but only to identify the cars they are in.

The analogies that would rid these new identification technologies of encumbering privacy debates — it's the same old data merely collected more efficiently — does not persuade Chris Hibberts, a computer expert with Xanadu software concerned about the privacy issue.

At risk, Hibberts says of AVI, "is the ability to travel freely because the system knows where you've been. Surveillance without probable cause is an invasion of my privacy." Hibberts tried unsuccessfully to persuade CalTrans to encrypt all AVI data; otherwise, AVI signals can be intercepted.

But Hibbert reserved his strongest criticism for the lack of privacy analysis in state decision-making: "There's some dancing around about privacy but no real public input and little discussion."

Most state data-collection systems do not have such glamorous front-end technology; there's nothing much to see but lots of forms, massive data-entry operations, and computers big and small. Even the Health and Welfare data center, which handles about 45 percent of state computer processing, has a building so brilliantly self-effacing that the carefully escorted visitor is amazed by the massive operation concealed inside.

The state spends about $1 billion annually on data processing, accomplished on some 40,000 personal computers, behemoth systems in the two state data centers (Teal and Health and

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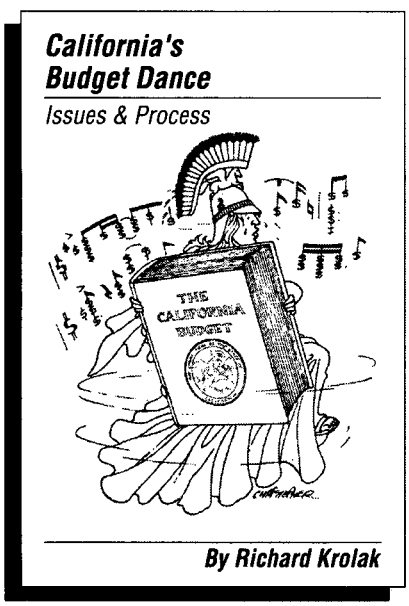

From *California Journal !*

California's Budget Dance: Issues and Process

By Richard Krolak

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Welfare) and altogether about $700 million in computing hardware. State telecommunications networks that in scope and size dwarf the telephone systems of most countries move data among agencies, jurisdictions, offices, public institutions, and private companies.

Woven into this digital web are 3458 databases that hold confidential personal data. The agencies that control information systems storing significant personal data must outline their data holdings each year in reports to the state Office of Information Practices. The reports fill some 26 binders, each three inches thick.

Unlike the DMV's, most state information systems focus on rather specific groups of people in order to manage their receipt of benefits or their fulfillment of obligations. Viewed as an undifferentiated mass of computering, government systems take on the same featureless, faceless aspect that government record-keeping has had since Kafka wrote "The Trial". But up close, data processing is not at all like it was during the intense, national privacy debates of the 1970s. In a real sense, data takes on a life of its own.

Back then, data was in computers but acted as though it was on paper: It sat in isolated machines — "data islands," they are called — and showed up in "output reports" so heavy they could cripple or kill if falling off a shelf. Privacy concerns focused, correspondingly, on what personal data existed in what record, how to find out about it, how to inspect it, and what to do about it if it was inaccurate. In those days, the state Constitution was amended to guarantee a "right to privacy," and the two seminal state privacy laws were enacted — the Information Practices Act and the Records Management Act. These statutes still, today, largely define agency responsibility for preventing electronic data from compromising personal privacy.

Unlike the laws, however, database technology has evolved dramatically. First, the cost and size of hardware is radically lower while its processing and storage capabilities are radically higher; small personal computers best "mainframe" computing systems of only a few years ago. If automotive technology had kept pace, a new car would cost a couple of dollars. Computing is both cheap and efficient.

According to Joe Pujals, the state's information security manager, buying a dollar's worth of computing equipment is equivalent to spending $40 a year for staff and overhead. This genie won't be going back into the bottle.

Second, ubiquitous, ultra-fast telecommunications networks move data inexpensively from one system to another.

Third, huge amounts of data from different databases in different computers in different locations can be readily combined or compared. What used to take weeks of a programmer's sweat to assemble and "output" can now be summoned by a non-specialist using English-like commands. The result is highly decentralized information storage, sometimes in a desktop computer, that may compose data from many far-flung sources.

Pujals believes that the large scale movement of data from system to system — from one agency to another, from one political jurisdiction to another, or from public agencies to private companies — creates new privacy risks. "As data moves from one system to another, it loses its identity, it becomes orphaned. The source of the data is lost; it can easily be added to some other database with which one can do whatever one wants," said Pujals. Thus, privacy protections in place in one system can fall apart when it turns its data over to another system. And tracking violations can be a little like working one's way through the Queen of Hearts' garden in "Alice in Wonderland."

Just how this can happen is best illustrated by what took place earlier this year in Los Angeles County. DHS provides MediCal eligibility data to county welfare departments via computer networks and microfiche. In Los Angeles, confidential lists of eligible MediCal recipients were illegally sold to private health plan "marketers" fiercely competing for new plan members.

In June, the chief of the MediCal eligibility branch, Frank Martucci, sent a memorandum to all county welfare departments discussing the privacy violations and reminding them that the unauthorized disclosure of confidential data can be "prosecuted." The Department of Justice had already begun an investigation which continues.

Under the Information Practices Act and state computer security regulations, such incidents must be reported to both the Office of Information Practices (OIP), a unit of the State Personnel Board, and to the Office of Information Technology (OIT), a unit of the Department of Finance. Incident reports allow evaluation of the problem, the design of remedies, and an assessment of the risk of similar problems developing in other systems. However, no reports were filed by the Department of Health Services with either OIP or OIT.

Rachel Tayar, chief of DHS' record-

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management office, is listed with OIP as the department's information practices officer. However, she only "inherited the title," explained a member of her staff. "She really wouldn't be dealing with this." Rather, Pam Hurley, the department's computer-security officer, would be in charge. But Hurley had not been informed of breaches by the eligibility branch. She said that 20 percent budget cuts had forced her, like others, to wear "many hats" and that this function "had no staff" to support it. She said information about the incident would be found in the eligibility branch.

Yvonne Kincade, an analyst in that eligibility branch (the unit that originally issued the warning to county welfare departments), said the system was "bombarded with requests" from private companies for confidential eligibility data but the requests were routinely denied. She ascribed the breach to the inevitable "bad apples" found in any organization as large as the Los Angeles County Welfare Department.

Nonetheless, Kincade said, the Los Angeles County Welfare Department — much to its consternation — would no longer receive microfiche lists of eligible MediCal recipients because microfiche is easier to duplicate than are on-line records.

Asked about the lack of reports to OIP and OIT, Kincade said reports would be up to the unit that requested Martucci to issue a memorandum — namely, the health-systems financing division.

Rosemary Cox, chief of contracts for the financing division, said hard information about the breach was yet to surface — county staff and marketers weren't talking ("they're a tight-knit group") — and available information was largely anecdotal. As yet, the magnitude of the problem cannot be ascertained, but Cox said the number of complaints about marketing practices by health plans has recently escalated. About reports due OIP and OIT, Cox said she was sure that "people in the department have never heard of them."

As this episode illustrates, in privacy terms, no one is quite minding the state data store. Even the state's privacy guardians are scattered. The Department of Finance handles information security, the State Personnel Board "oversees" agency information practices and mediates for individuals contesting them, and the Department of General Services supervises record management.

Pujals sees little agency attention to privacy. "The priority is efficiency; there's no culture in agencies that tells people privacy is also important. And the issue is not in front of technical people who actually design information systems."

When Assemblywoman Gwen Moore of Los Angeles, chairwoman of the Assembly Utilities and Commerce Committee, proposed a bill consolidating privacy leadership in the Department of Finance's Office of Information Technology (where the security function has been successfully implemented), Finance opposed the measure and former Governor George Deukmejian vetoed it.

According to Pujals, "Finance is a control agency. It doesn't want to mediate individual disputes." He thought Finance might accept privacy "policy" responsibility if mediation duties were lodged with a department "set up to handle that." Moore plans to reintroduce the bill.

A recent General Accounting Office study of federal information system management noted that every reported illegal disclosure of personal data resulted from authorized users of information making unauthorized disclosures of it. Disclosures are possible, of course, because the data has been collected in the first instance, but they become probable when computerized information is widely disseminated and control is lost. True enough, bank tellers sometimes steal money, hospital workers sometimes steal needles, and now and again information workers steal information. "Bad apples" do crop up and always will. Accountability is not preventive, but it is protective of privacy interests; in state government, accountability seems as diffused as personal data itself.

Assembly consultant Bill Julian calls the increasing conglomeration of data about an individual a "likeness." He says these data likenesses oblige a different view of privacy than before. "Privacy is personal integrity, the right to control your presentation in everyday life." He says people's likenesses have been "appropriated as data and turned into commodities for sale." They also increasingly substitute in government and commercial decision-making for dealing with people directly. For a would-be borrower, a financial likeness — the credit report — might be the problem. In state government, the thoroughly modern way to oversee state-funded, locally implemented programs is to review and even act on detailed digital "likenesses" of individuals. If you're mentally ill, you'll be watched like never before.

In the main lobby of the Department of Mental Health (DMH), not unexpectedly, hang beautiful murals painted by patients at Napa State Hospital, one of the state's five mental hospitals. Beneath the colorful representations the artists have written their first names and last initials; only the art therapist has a last name. It's an obvious reminder that respect for privacy and, perhaps, the medieval stigma of mental illness oblige their art to show anonymously.

But the "realignment" of mental-health services, the result of companion legislation to the 1991-92 budget, takes another view of anonymity. In the authorizing statutes, a brief section calls for DMH to develop "uniform definitions and formats for a statewide, non-duplicative client-based information system that includes all information necessary" to measure, among other objectives, "performance outcome."

Kenneth McKinstry, chief of the department's community and administrative systems section, illustrated how a client-based information system can get down to the nitty-gritty. "Suppose you find a client showing up in programs in three different counties. You'd look at his treatments to see whether he was after extra drugs to stay high." The data becomes the patient for the purpose of managing, modifying, or denying available services. Nowhere does the call for a client-based information system mention client rights to privacy. Murals are one thing, but data mosaics are quite another.

Rebecca Skarr, a systems analyst with DMH, suggested that such systems evolve because the public wants a full accounting of public expenditures. Certainly, granting public benefits to private persons has always been something of an oxymoron. Rights to the former confound rights of the latter. Yet the intimate data likely to be captured by new information systems is stunning. Cross-indexing human lives in data banks could become standard simply because technology allows for it and no policy objects.

High-technology information systems, processing encyclopedic amounts of personal data, are the gold mines of

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the information age. For some agencies, like the DMV, information is literally turned into buckets of revenue. For others, using personal data systems to excise funds for ineffective programs, or to detect unpaid obligations or double-dipping clients makes money by saving money.

But for Assemblywoman Delaine Eastin, a former Pacific Bell executive and head of the Assembly Education Committee, the gold in hills of data isn't money to balance the state budget but know-how to fix a broken educational system.

An enthusiastic supporter of a bill to study the feasibility of a "comprehensive pupil information management system," Eastin is frustrated. She cites a finding from Los Angeles Unified School District that in the 31 schools in the poorest neighborhoods, 55 percent of the teachers have less than three years' experience. "We need more information than some little mini-study," said Eastin. "I'd love to know in general if poor kids are getting the least-experienced teachers."

The prowess of client-based information systems is that they support both large-scale studies and individual interventions. Eastin wants to find out, for example, what happens to the educationally disappeared — children who enter elementary schools only to vanish long before they are old enough to become drop-out statistics. She said a statewide pupil data system could help children whose parents lie about their immunization or enrollment, and promote educational continuity for migrant children bouncing from school to school.

Is there a risk in keeping a computer record on every public school student? Eastin is satisfied that "serious and severe penalties" can protect the privacy of pupils entered into a data system. She would specifically prohibit selling the data or using it for law enforcement. But, Eastin added, "The majority of legislators don't appreciate the new realities of high technology and their impacts on the Bill of Rights. We need to put a face on these issues."

And, the issues?

• *People are being hurt.* Willits Ware, a leading Rand computer scientist and a privacy adviser to the Carter administration, tells a story of an 85-year-old man whose Social Security number was stolen. His credit records were fouled as a result. "Nothing in his life prepared him to deal with this," said Dr. Ware, who wants the government to establish an office that helps people resolve data calamities. As the Social Security number becomes the number of convenience for more and more databases, information thieves will have more incentives to steal them and victims will have more problems getting their records righted. The problem will spiral.

• *Privacy needs due consideration.* There's wide agreement that the privacy dimension in Legislative debates is ill-attended.

• *California needs to establish a privacy standard.* According to Senator Bill Lockyer, chairman of the Senate Judiciary Committee, neither the California Supreme Court nor the Legislature has yet to set a privacy standard. Is an invasion of privacy justified simply because it serves a "rational" purpose — improving a government program or catching one extra crook — or should it survive "high scrutiny" as the only possible remedy?

• *How is the right to information balanced with the right to privacy?* Assemblywoman Moore says the outstanding policy challenge is to find a workable balance between rights to information about others, as in business transactions or in evaluating the distribution of public benefits, and rights to privacy, to keeping one's person to one's self.

• *A forum for privacy issues is needed.* Members of the Legislature and privacy advocates agree that a fixed-term, visible "privacy commission" to clarify issues could be useful. It was a timely bridge in the 1970s to effective policies and a political consensus and seems just as timely today. Lockyer said the "issue is woven in lots of policy areas and so it is hard to get a comprehensive discussion in the traditional committee setting. A more interdisciplinary approach is needed."

Don Ingraham, an assistant district attorney in Alameda County and a nationally recognized expert in computer crime, agrees with organizing "something that lays out the issues," but he worries about the "elitism of the academic/government complex." Only half-joking, he said, "If there's a commission, pick half of it at random from the Sacramento phone book."

A random sample of Californians is not such a bad idea. No matter what their station, make of car, income or inclination, they would likely remind state government just how much Californians care about privacy. After all, Californians lead the nation in the percent with unlisted telephone numbers and voted overwhelmingly to make privacy their constitutional right.

Of course, they would preach to the converted. Is there a politician alive who doesn't love privacy?

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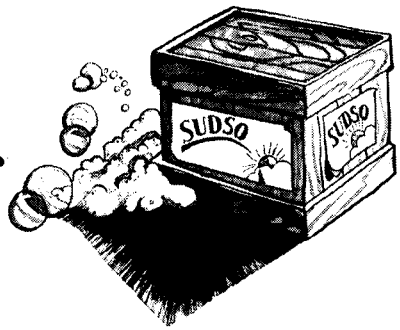
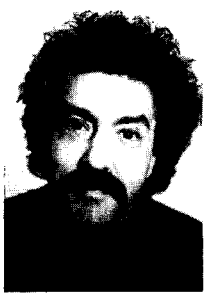


Confessions of an ex-political junkie

By Ed Goldman



My spin doctor says I'm making excellent progress.

Oops. Strike that. My *doctor* says I'm making excellent progress.

After all, just the other day, the *New York Times* ran a piece on Paul Tsongas, The Man Who Would Be A Footnote. It looked like a fairly good, chatty article. *And I did not read it!*

At lunch yesterday, a friend asked me if I had read Peggy Noonan's book, "What I Saw at the Revolution," or Lou Cannon's "President Reagan: The Role of a Lifetime." I said I had read both of them, adding, "But that was the old me. I prefer not to dwell on it."

I've been dropping in to see friends and acquaintances I might have offended over the past 20 or 30 years by having turned virtually any conversational topic to politics. I've tried to apologize. Many won't let me, insisting that they had free will and could have sent me packing at my first mention of McGeorge Bundy.

"But you don't understand," I've said, "it doesn't matter if you forgive me or not. What's *really* important is that I'm taking up your valuable time being contrite. This is the most important step on my road to recovery."

Yes, the signs are familiar. I'm a recovering (but will never be a *cured*) political junkie. How'd I finally beat this thing? Easy: Sometime, over the past two-plus decades, I stopped being fascinated with "the process" of politics — in much the way a lobbyist friend of mine says he doesn't believe in any of the agendas he's paid to push but "I really enjoy the game" — and started paying a bit more attention to the substance. Or, lack thereof.

Like a lot of New York Jews, I come out of a tradition of left-of-center/unions-are-corrupt-but-needed/taxes-aren't-so-bad neo-fiscal-socialism, possibly with an order of fries on the side. In other words, my grandparents and parents and all of their friends were committed to a number of absolutes, even though many of these would seem to have been in direct competition with others of these. FDR was God's Director of Earth; but what the hell was that stuff about "interning" Japanese-Americans? Eisenhower was a great general but a lousy president; Stevenson was a lousy candidate but would have been a great president. Corporate America was inherently evil and anti-semitic; the most respected members of the congregation, however, were those who held positions of power and influence in — yes — corporate America.

Yet one constant in all of this was that the "damned politicians" people in my family and general orbit excoriated nightly over the dinner table were, by and large, *interesting*. Love'em, hate'em, swear at 'em, send 'em Valentines; you still paid attention to them because they *fought* for your attention and, in some cases, merited it.

No one is denying that the world has changed a little since the 1950s. An elected official who used to be able to take over the airwaves for a few hours now has to compete with cable, CDs, an entire network devoted to sporting events and, of course, VCRs. He is now but one minor blip in the firmament; he used to rule a great deal of our universe. But to merely explain the dulling of politics on the availability of recreational appliances is to ignore another reality: the endless quest for money — which is to say, the apparent need to spend all of one's time seeking re-election rather than

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Ed Goldman runs a Sacramento public relations firm that — yes — occasionally does work for candidates and causes.

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performing the duties for which one was elected — has become political life's greatest common denominator. Or, if you prefer, its commonest denominator. Or — just for fun — its common denomination.

People who hold jobs they really want to hold onto, as you know, tend to say and do just about anything to accomplish their ends. While all of us can point to an isolated incident in which someone actually told the boss to "take this job and shove it," most of us are less likely to sacrifice creature comforts in order to make a not unworthy but ultimately costly point. Very few of us who arrive at work in a Lexus are planning to leave in a huff, is what I'm saying.

So why should elected officials be any different? They've got this really neat job, the hours are rough only part of the year, they get most of their summers off, attractive and influential people are always seeking them out and they even get free tickets to the local basketball or football games. The incentive to make waves — to take a firm stand on something a little more substantive than how someone's treating the flag or whether the photographic art of a dead artist should be censured — is missing.

A recurrent gag an old friend of mine and I spring on each other is, when someone in the news says something profoundly banal or overtly self-serving, one of us will call the other, recount the incident, then say, "Yet we're told there are no men of vision left." But this is precisely the reason I find myself today a recovering political junkie. The policy statements have grown more specious (if "grown" can be properly used in this context). The endlessly promotional ditherings of everyone from Willie Brown to H.L. Richardson (though the latter does seem to have some sort of world view, at least, even if his world is not currently in our galaxy) are reported on, and serious newspeople still bring a sense of perspective to the proceedings. (In Sacramento, the *Bee* actually runs analyses of political commercials during campaigns. The stories examine each claim made in a TV, radio or print ad and then offer a reasonably objective evaluation of that claim's validity. This is a highly dignified way, of course, to circle the lies in a speech; and you don't have to ransack your Crayola budget.)

People who hold jobs they really want to hold onto, as you know, tend to say and do just about anything to accomplish their ends.

But where are the people who have an actual picture in their minds of what California is, was and ought to be? Are they blaming the state's schizophrenia and financial complacency on our collective lack of self-esteem? (Hint: If there's one thing this state does *not* collectively lack, it's self-esteem. What it *really* needs is a little humility.) A few of them — leaders I still support, though with diminishing energy and increasingly reluctant resources — still operate as voices in the wilderness. They garner the respect of a few of us but are viewed as self-righteous bleeders by many, many more.

They also impede my progress, these elected officials who still care about more than "war chests" and contributions. Without them, my days of addiction would be well behind me. With them, I fret I can be drawn back into the vortex at any time. Is there a spin doctor in the house?

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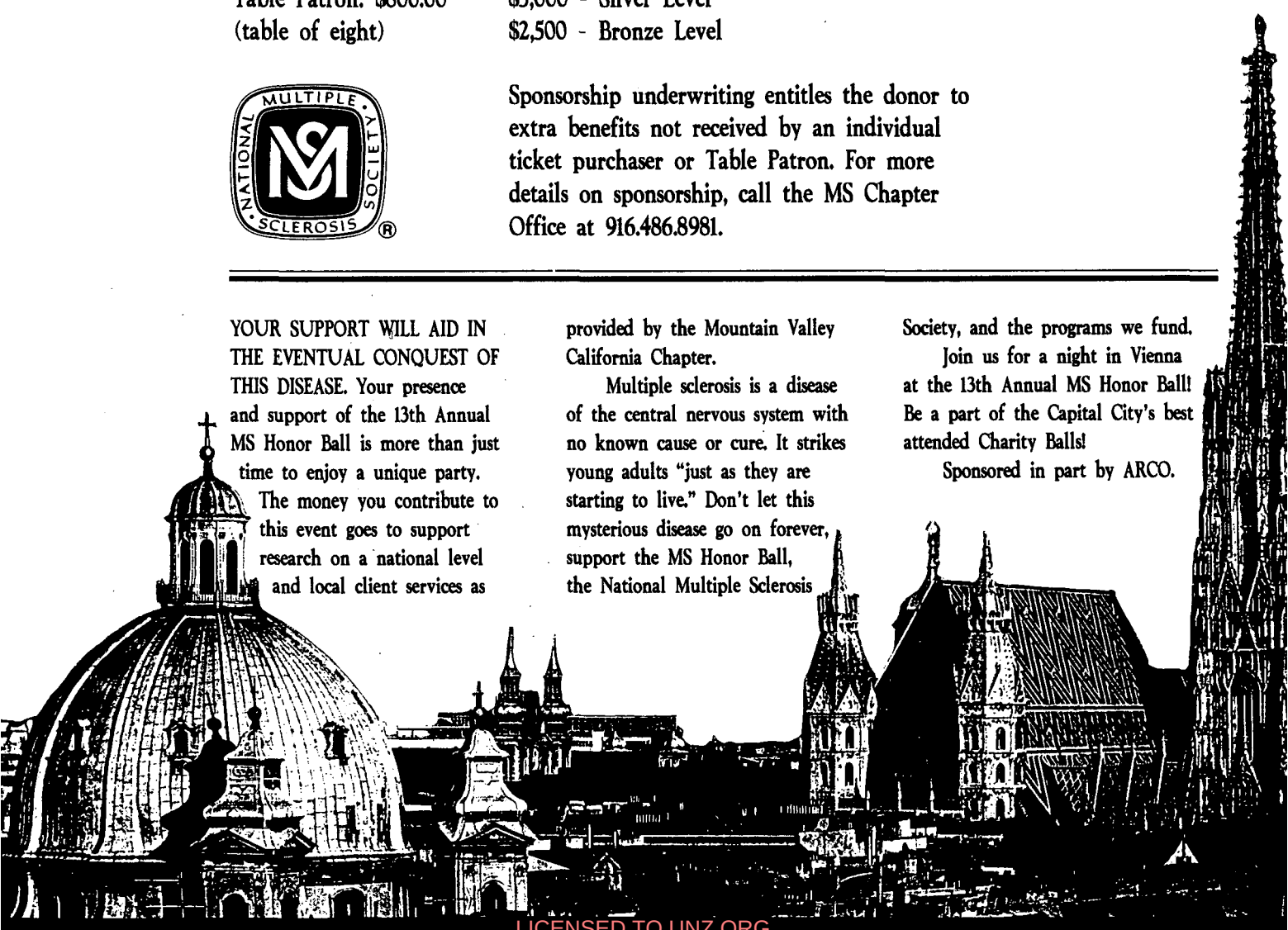

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The reapportionment failure

Legislature's plans fall to Wilson's veto

By A.G. Block

Ah, reapportionment, that once-in-a-decade carnival that will help define the tone and tenor of California — and national — politics for another 10 years. Reapportionment, the slight-of-hand show, where blatant self-interest masquerades as the public good and John Q. Public is turned into some sort of magician's helper plucked from an audience. Old John Q. feels at the center of things but soon discovers he's really a fool — the butt of an illusion he doesn't understand. The Legislature, like any good magician, does its work in public, even if the audience is stumped to figure out how the trick was done. Now, the reapportionment trick goes to the California Supreme Court, which works its magic in secret. Were the stakes not so high — control of the state's political process for the next 10 years — it might have all been in good fun.

February 1991. Pete Wilson stands before delegates to the Republican Party's statewide convention in Sacramento only a month after taking the oath of office as chief executive. As the governor addresses the faithful, an ever-expanding budget deficit swirls around his administration. It is well-known that his proposals for dealing with the fiscal crisis are opposed by many in his own party. As a result, delegates sit on their hands during most of Wilson's speech.

Except for one segment, which deals with something else entirely — the looming battle over reapportionment. When Wilson hits that topic, he brings the convention to its feet.

The governor threatens to veto any redistricting plan that he does not think fair to the Republican Party. But Wilson is more explicit. Although Democrats hold a majority of each house, they do not command the two-thirds vote required to override a Wilson veto. Some Republicans must jump ship. Thus, Wilson takes direct aim at Republican lawmakers who might conspire with Democrats for safe districts for themselves at the expense of the party at large.

"People in this room [GOP rank-and-file] would see that [Republican legislators who vote to override his veto] are ex-incumbents at the next primary," Wilson tells the delegates.

That comment earns Wilson his only standing ovation. Later, the convention fleshes out Wilson's threat by authorizing the party to wade into GOP primaries on behalf of candidates who take on any incumbent who might actually vote for such a self-serving plan. Powerful GOP money-raisers also let it be known that they will finance the challengers. These shots across the bow are not lost on Republican legislators.

From the beginning, Wilson's strategy is to bludgeon the Legislature into providing him with an acceptable plan or face having the reapportionment issue decided in the courts — a notion Wilson probably prefers since the California

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Supreme Court is firmly in the hands of jurists appointed by Republicans (most by George Deukmejian). In addition, federal courts will likely follow the dictates of the federal Voting Rights Act, with its provision that a maximum number of minority-leaning districts be created — a provision that Republicans believe will work to their advantage. The only problem with this strategy is that it might be unhinged by incumbent Republicans who figure it's better to cut a deal for secure seats with Democratic lawmakers than with Supreme Court justices.

Democrats howl that Wilson's strategy causes him to bargain in bad faith, but they receive little support from a public skeptical of the ability of lawmakers whose conflict of interest is so obvious.

August 1991. The drawing of new district maps is well underway in Sacramento as Assembly Speaker Willie Brown Jr. tells the *Los Angeles Times* that his first priority in redistricting is to accommodate the desires of incumbent lawmakers.

"It may appear to be self-serving for [lawmakers], it may very well be self-serving, but nevertheless it's no different than school finance, no different than mental health, no different than anything else, except the member happens to be directly involved," Brown told the *Times*.

The speaker illustrates his approach by citing the West Los Angeles area now represented by Democrat Burt Margolin. If Margolin remains in the Assembly, the *Times* reports Brown as saying, "his district lines will be drawn one way. If Margolin leaves the Assembly to run for Congress, the boundaries of his district probably will be shifted to favor [Democratic Assemblywoman Barbara] Friedman."

An official of the League of Women Voters responds, telling the *Times*: "They [Speaker Brown and his map-makers] act as if the districts belong to incumbents. The whole idea of districts that make sense to the voters is not an issue with them."

In those two disparate events, separated by seven months and a trillion miles of philosophical space, lay the failure of the Legislature and Governor Wilson to reach agreement over a new reapportionment for the California Assembly and the state's congressional delegation. [A scheme of new districts for the state Senate was acceptable to Republicans but vetoed when it was, out of political necessity, lumped together in the same bill with Assembly and congressional plans.] On the one hand, Assembly map-makers sought to protect most Democratic incumbents, thus guaranteeing another decade of domination. And although conceding a majority of seven *new* congressional seats to Republicans, Democrats sought to guarantee for themselves an overall majority among the delegation. On the other hand, Governor Wilson, many rank-and-file Republicans and some minority and public-interest groups sought a different kind of plan — one that would provide more chances for minorities to be elected to the Legislature, one that would give the GOP a chance to wrest control of the Legislature, and one that would provide genuine competition between the two parties.

A resistible force had collided with an immovable object, and the Legislature ultimately failed to produce a reapportionment package acceptable to Wilson. And it failed, too, to override his veto.

The reapportionment process itself was tugged and shoved from a number of directions. Some black and Asian-American groups objected to the plans, as did such public-interest groups as Common Cause and the League of Women Voters. Both Republicans and Democrats in the congressional delegation sought to influence the map-making. The Mexican-American Legal Defense and Education Fund (MALDEF) submitted plans for Latino-dominated districts. And Governor Wilson appointed his own panel to draw yet another series of maps for the Senate, Assembly and Congress. And looming over all was the threat that, should the governor veto and the veto stand, the state Supreme Court would draw the districts — without regard to incumbent safety.

Despite the enormous political stakes involved, the reapportionment process itself began quietly and innocently enough earlier this year when committees from both the Senate and Assembly began holding a series of preliminary, fact-finding hearings throughout the state. The hearings took place in an atmosphere of eerie calm, almost like a boat casually drifting toward a distant horizon filled with storm clouds. The activity on board ship was split as well. On deck, the committees held their hearings, taking testimony from a wide range of interest groups and ordinary citizens. But the real work of reapportionment took place below decks where cadres of Republicans and Democrats plotted over their maps in secret.

Map-makers were pressed to complete their plans because the Legislature had to pass the redistricting bills prior to adjourning for the year on September 13th. Before the plans could be voted on, however, the maps themselves had to be subjected to a round of public hearings. And the public needed time to review the maps before the hearings.

The Senate was first to publish its proposed maps, unveiling them on September 4th. Senate Democratic leader David Roberti said at the time that the maps were not final and could be negotiated. Although three Democrats seemed to be reapportioned out of jobs (Cecil Green, 33rd District; Ralph Dills, 30th District; Rose Ann Vuich, 15th District), critics of the Senate plan charged that most districts were drawn to protect the turf of incumbents. Roberti predicted the 40-seat upper house would have 23 to 25 Democrats following the 1992 elections (it currently has 25, with two Democratic-leaning independents).

Minority groups were the most vocal critics of the Senate maps, citing areas in Sacramento, San Francisco, Oakland and the Central and San Fernando valleys where traditionally Democratic black, Asian and Latino populations were split among several districts to bolster Democratic chances. After a series of hearings, Senate map-makers altered the lines. In San Francisco, for example, the Asian-American community was consolidated into the district now represented by independent Quentin Kopp. It had been split between Kopp's district and that of Democrat Milton Marks. In the Sacramento area, a large chunk of black voters in the city's south area — originally sliced off to bolster Democratic registration in a neighboring district — was reattached, thus increasing the number of black voters in the district now represented by Democrat Leroy Greene. The final maps won bipartisan support in the upper house and praise from some minority groups who felt their wishes were heeded.

While the Senate was publicly wrestling with its maps, the Assembly worked in secret, its plans delayed another week. In the interim, Governor Wilson, concerned that the Assembly would not present him with a plan he could accept, urged the state Supreme Court to begin drawing new districts on its own.

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Critics — Wilson among them — complained that the Assembly had waited so long to reveal any plans that the public could not adequately review boundaries for 52 congressional and 80 Assembly districts. Democrat Peter Chacon of San Diego, chairman of the Elections and Reapportionment Committee, responded by saying that the process of drawing lines was very difficult. Although Chacon did not say it, the job was made more difficult by the meddling of incumbent lawmakers bent on protecting their turf.

Finally, on September 10th, the Assembly released two sets of plans. Well, sort of. Yes, no, wait, it did release plans. But the nuts-and-bolts data for districts was given out on a regional basis, making it tough for groups to analyze the state as a whole. In addition, maps for some districts were not included in either plan and several district maps that *were* included were incomplete, with boundary lines extending off the page. Critics grumbled that the maps were too vague and that there was not enough time to adequately review them. Minority groups complained that their communities were split up, thus diluting their power and potentially violating provisions of the federal Voting Rights Act. Republicans complained that the two Democratic plans created only 32 and 33 districts where GOP registration reached 40 percent (generally considered necessary for a Republican-leaning seat). The only Democrat left out in the cold was Tom Hayden, his district hacked up to enhance the neighboring district of Democrat Barbara Friedman.

On top of this, Governor Wilson indicated he would veto either plan.

To complicate matters, the Assembly issued two sets of maps because several lawmakers had yet to decide whether to run for re-election to the Assembly or for Congress. Should they opt for re-election, one set of maps would be used; should they opt for Congress, another set would be used — thus reinforcing the notion that reapportionment was meant to foster the interests of incumbent politicians rather than those of the public at large.

In response to the Assembly's effort, several odd coalitions began to emerge. First, Republican leaders joined with traditionally Democratic Latinos. A Latino coalition had presented its own set of Assembly maps, which it declared were non-negotiable. The Latino plan seemed to guarantee Republicans a better than even chance to control the lower house, for in concentrating Latino voters it created 40 other districts with GOP registration of at least 40 percent.

But not all Republicans were so inclined, thus sowing the seeds for another odd coalition — Democrats and conservative Republicans. This coalition grew out of rifts inside the Republican Party itself (see "The broken elephant," *CJ*, October 1991) and pitted conservatives against moderates both in Washington and in Sacramento. Essentially, conservatives — led by Congressman John Doolittle of Carmichael — supported a plan that protected GOP incumbents but left the majority of the delegation firmly in Democratic hands. Moderates, led by Governor Wilson and Assembly Minority Leader Bill Jones, wanted a plan that could enhance the number of congressional and legislative districts favorable to Republicans but not necessarily protecting incumbents. Even the Bush administration chimed in, with White House chief of staff John Sununu supporting Wilson and calling for a redistricting plan that maximized Republican opportunities.

Meanwhile, the Assembly plunged ahead with public hearings and with back-room maneuvering. At one point, Senate Minority Leader Ken Maddy complained that as many as five separate cliques of Republicans were trying to draw up acceptable congressional plans. Outside groups, like Common Cause, complained that the public hearings were a sham and that the real work was being done behind closed doors — with the public left out.

But the real nitty-gritty in those last few days, as the Assembly rushed to complete a plan, *any plan*, was not the drawing of districts. It was the search for enough votes to override what promised to be a certain gubernatorial veto. A two-thirds Assembly vote (54) was required to pass a reapportionment plan over Wilson's objection, and Democrats could command only 47. That meant seven Republicans had to buck their party and their governor to side with Democrats; had to side with Democrats despite Wilson's February convention threat of revenge — and the raucous reception that threat received from rank-and-file delegates.

Finally, on September 19th, Democrats jammed through not two but three bills containing three alternative redistricting plans for the Assembly and the congressional delegation. The one and only Senate plan — which had bipartisan support in the Senate — was put into all three bills, thus subjecting it to the governor's veto. No Republican voted for any of the plans. Wilson's veto arrived four days later.

In vetoing all three redistricting bills, Wilson cited lack of due process, fragmented minority communities, partisan gerrymandering and the failure of lawmakers to provide only one plan as required by the state Constitution. Thus, the question became whether Democrats in the Assembly could round up those seven Republican votes needed to override the veto. If the veto was sustained, the entire process of drawing new district lines would be dumped into the lap of the state Supreme Court. But GOP leaders around the state reiterated their February promise to campaign in primaries against any incumbent who voted to override. Wilson, too, made a similar pledge.

Still, sources close to the negotiations say that the speaker and conservative Republicans, led by Congressmen Duncan Hunter of San Diego and Doolittle, got half the votes needed for the override. "Within three or four votes," said one source, who asked not to be identified. "The problem was that you got all the votes you needed, or you got none of them."

In the end, they got none — and the veto was sustained.

Thus, the process of drawing new legislative and congressional districts fell, for the second time in the past three reapportionments, to the state Supreme Court. On September 26th, the Court appointed a panel of three retired jurists to do the work, urging its completion by the end of November. More public hearings will then be held on the Court plan.

The failure to reach a compromise plan acceptable to Wilson and the Republicans ultimately turns on the character of Willie Brown. Several years ago, Brown, in an interview, said he wanted to be remembered as a leader who was well-liked by all the members (see *CJ*, January 1986). He was, he said, proud of the fact that he was a members' speaker. But in the final analysis, any reapportionment plan acceptable to Wilson would force Brown to turn away from many incumbents, Republican and Democrat alike. And that was something he may have been unwilling to do. Only Hayden — an easy target and an outsider even after a decade in the Assembly — was sent packing. Brown could not pull the trigger on others. Wilson, and the Supreme Court, will have to pull the trigger for him.

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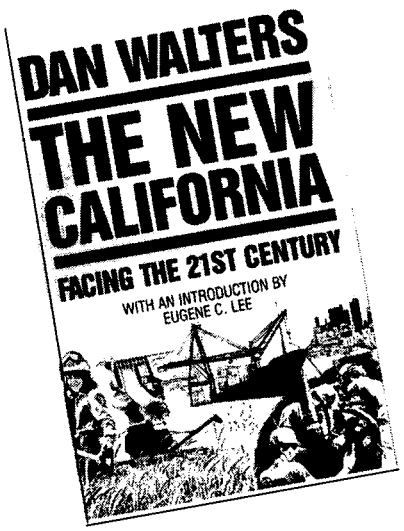

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with an introduction
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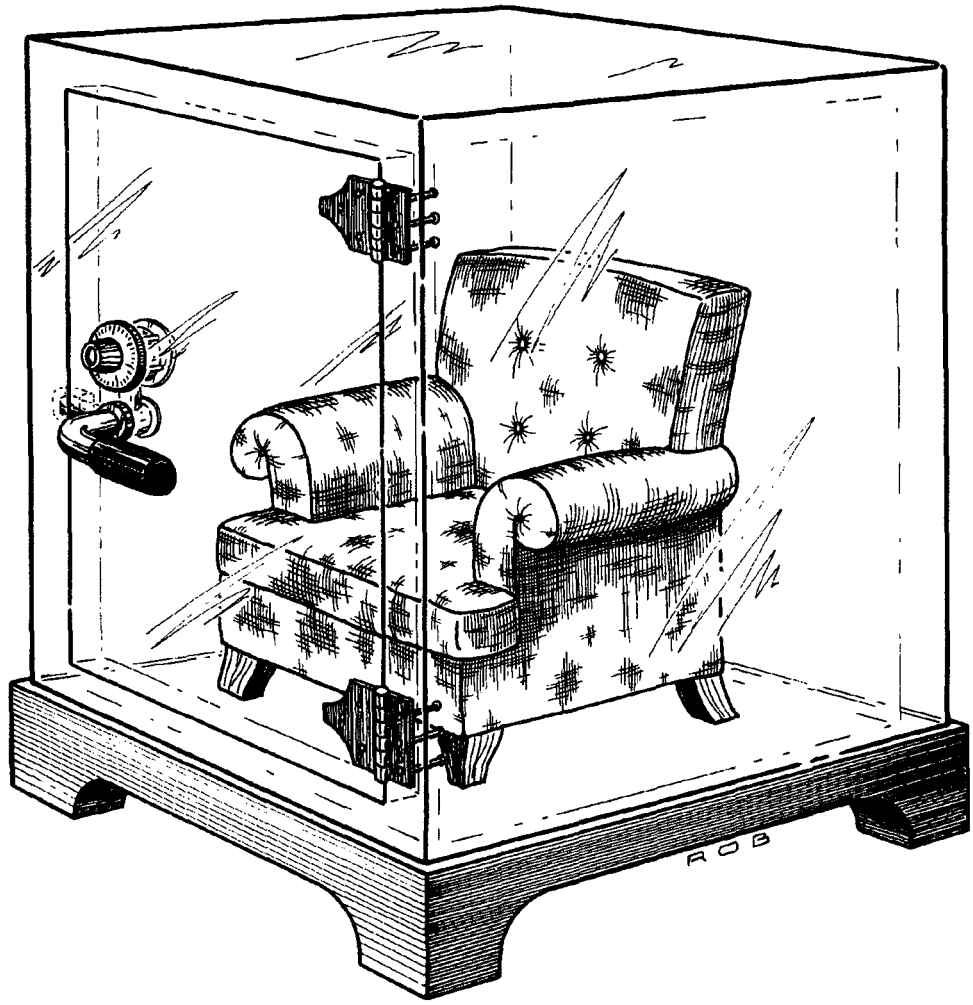

SAFESEAT

What is a competitive district?

By Ed Costantini and Charles Dannehl

When Governor Pete Wilson threatened to veto the Legislature's redistricting scheme because it failed to create genuinely competitive districts, political insiders reacted with understandable cynicism. Not that Wilson's threat lacked credibility; Wilson vetoed the plans on September 23rd, then watched as lawmakers failed to override his action.

No, insider cynicism came from the knowledge that "electoral competitiveness" does not drive the reapportionment game. Incumbent safety drives it. Reapportionment is a contest where the main players are preoccupied with creating districts that one political party or the other can claim as its "own." It is, as *Sacramento Bee* political columnist Martin Smith observed, aimed at "minimizing the number of competitive districts." It is a game that, according to Alan Heslop of the Rose Institute at the Claremont Colleges, has led to "the death of competition in California politics."

It may well be that a few noncompetitive, or "safe," seats assure a measure of legislative stability and are therefore important for a legislative body to operate effectively. No matter how strong the winds of political change

Ed Costantini is a professor of political science and Charles Dannehl is a PhD candidate at the University of California, Davis.

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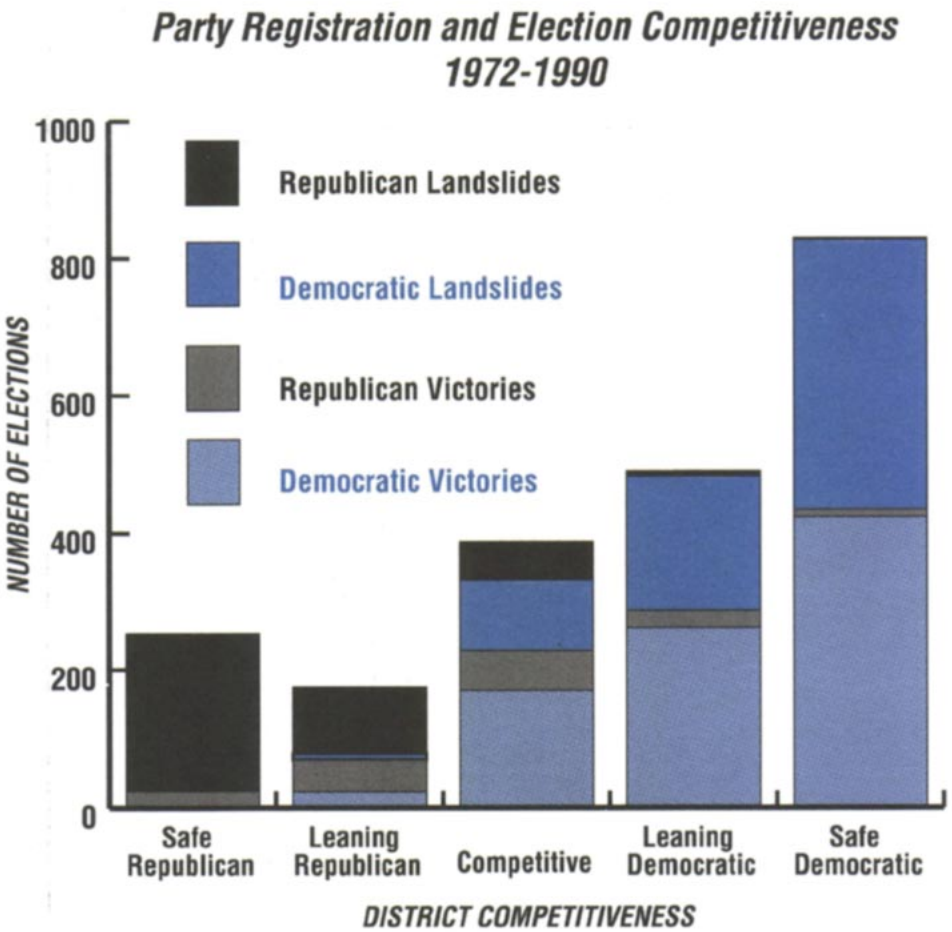

sweep across the electorate, safe seats guarantee a cadre of legislators who know the process, understand the issues and recognize the competence and trustworthiness of other relevant political players like legislative staff, lobbyists and bureaucrats. And congressional studies have suggested that members from non-competitive districts are more likely to produce legislation, develop specialized policy expertise that is often key to legislative success, do less public posturing, and devote more energy and staff to legislative matters than to constituency services than are their less-secure colleagues. Safe seats also tend to produce more openly partisan legislators, which some view as a drawback, but which gives solace to those believe American political parties lack sufficient ideology.

But too many safe seats are at odds with a common-sense understanding of how democracy works and with well-established democratic theories of representation. Thus in evaluating any given reapportionment scheme from the standpoint of democratic values, electoral competitiveness is an appropriate criterion, albeit one that is generally ignored.

Democracy does not flourish just because a society holds elections. Otherwise, the pre-glasnost Soviet system and even Nazi Germany would be included in the pantheon of democracies. Citizens must have genuine choices at election time. In a two-party system, major party candidates should have a reasonable chance of capturing legislative districts. If they do not, legislator accountability becomes a sham and elections become meaningless. The party destined for defeat may find it difficult to recruit effective candidates, thus enhancing the safety factor in many districts. Nor is there much incentive in a safe district for the minority party to engage in voter registration or other activities aimed at broadening the scope of citizen participation. According to veteran Democratic political organizer Marshall Ganz, a party "customarily confines its voter registration efforts to adding voters in the few genuinely competitive legislative districts." When safe seats are common rather than aberrations, the cumulative effect is voter apathy and a sense of political futility. If there is no real choice, why play the election game at all?

Not every district can be competitive, however, and there are practical circumstances that may make the creation of safe seats during reapportionment unavoidable. For example, Republicans dominate areas where voters tend to be more conservative, such as the suburbs of Los Angeles, San Diego and the San Francisco Bay Area. Democrats dominate urban areas where residents tend to rely more on government services supported by Democrats. So, where one party has won the hearts and minds of the vast majority of a particular area's electorate, creating competitive legislative districts may be difficult or impossible. But pockets of one-party solidarity aside, the general parity of California's major parties hardly makes the safe-seat phenomenon as pervasive and as convincing in California as it was during the 1930s in the once "Solid South."

Of course, other "public interest" values also militate against the achievement of competitiveness in specific districts. For example, the "one person-one vote" requirement, the recognition of topographical and political boundaries, and an interest in district compactness and contiguity may all contribute to the creation of an occasional safe seat. The same may be true of the federal Voting Rights Act requirement that legislative district lines be drawn to "maximize the opportunity" for under-represented minority groups. To the extent that the act leads to "packing" African-Americans, Asians or Hispanics into districts, the likely result will be non-competitive, Democratic urban districts and correspondingly non-competitive Republican suburban districts.

These sorts of practical considerations have a place in the reapportionment process. Like legislative effectiveness, they must carry some weight; in some cases, the law does not permit otherwise. But electoral competitiveness is so important to a democratic society that political cartographers should bear the burden of demonstrating in any given instance that creating a safe district was unavoidable.

There are several ways to assure competitiveness.

- Term limits. When safe districts are commonplace, frustrated voters may resort to forcing incumbents out of

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office by imposing term limits, which assure the turnover that safe seats work to preclude. Term limits have drawbacks, however. First, they do nothing to make a district more competitive between the parties. Thus, they treat the symptom of safe seats — impregnable incumbents — but not the disease itself. Second, they eliminate candidates who have already served as legislators, thus limiting voter choice. Term limits also may undermine the effectiveness of the legislative branch vis-a-vis other political actors — bureaucrats, staff and lobbyists.

• Proportionality. Some observers believe that a fair system of competitive legislative elections is one where the proportion of legislative seats held by each party reflects the proportion of votes received by that party's legislative candidates statewide. This may be an attractive, post-election method to evaluate a given reapportionment scheme, but it offers no guidance for drawing district lines. Nor does it address the issue of district competitiveness or the genuineness of voter choice. For example, all 80 Assembly districts could be safe for one party or the other, while the Assembly as a whole proportionally represented the support each party's candidates received statewide. In any event, California has single-member districts with plurality vote victories, and not proportional representation.

• The formula approach. Buried in the fine print of the failed Proposition 119 (June 1990) was a proviso meant to assure that "the greatest number of [California legislative] districts should be competitive." A district was considered "competitive" if the registration within the district of the state's two largest political parties was "no greater than two percentage points above or below that party's registration in the state as a whole." Thus, a precise indicator of competitiveness — party registration in districts — may be used as a decision-making guide for reapportioners rather than just a post-reapportionment tool for critics.

But Proposition 119's formula settled on a single "magic" number — statewide Democratic registration — and permitted very little deviance (up to 2 percent) from that number. A formula for achieving district competitiveness that gives reapportioners no maneuvering room is neither practical nor consistent with the goal of legislative effectiveness. If it succeeds in producing districts that are all magnificently and perfectly competitive, the makeup of the Legislature could lurch from total domination by one party to total domination by the other; the Legislature would become overly sensitive to every election-year breeze, and small shifts in the public's partisan predispositions would produce massive shifts in the Legislature's partisan makeup.

Also, Proposition 119's formula worked only as long as Republicans and Democrats stayed within hailing distance of each other in voter registration. If one party achieved statewide registration dominance, all districts could become safe for the dominant party, and the Legislature could conceivably be comprised entirely of its members.

But there may be a way to overcome the weaknesses of the above approaches; for example, a method that builds on Proposition 119's reliance on party registration but seeks to

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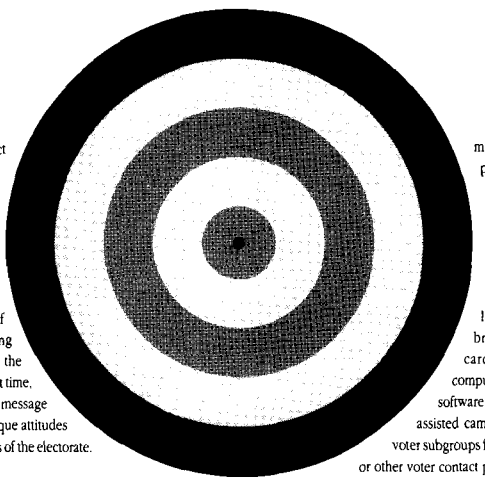

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avoid the negative aspects of searching for a magic number.

To illustrate the method, take data from Reports of Registration and Statements of Vote published periodically from 1972 through 1990 by California's secretary of state. That time span included 10 general elections and 1435 races for legislative office (U.S. House of Representatives, state Senate and Assembly). The focus is on the relationship between Democratic Party share of two-party district registration and Democratic candidate share of two-candidate vote for the 1435 races. The two variables prove to be strongly correlated.

When those districts are arrayed along a line from least Democratic registration (the 70th Assembly district in 1984 where Democrats has only 29 percent of the two-party registration and Republican Gil Ferguson received 73 percent of the two-candidate vote) to the 53rd Assembly District in 1976 where Democrats had 92 percent of the two-party registration (and Republicans gave Bill Greene a free ride), a clean pattern can be discerned.

Using this scale, "safeness" or competitiveness is determined by the likelihood that a given level of Democratic registration resulted, over those 1435 races, in the election of Democratic legislative candidates, and in the candidate of the predominant party receiving at least 60 percent of the votes cast in the election. These two criteria lead to cutting points along the registration-based array of cases. Shown in the accompanying table, these cutting points permit distinguishing between "safe," "leaning," and "competitive" seats. In this study, only two-party (Democratic and Republican) registration was considered. For example, in the 18th Senate District race in 1986, Democrats had 47 percent of district registration; Republicans had 41 percent. While Democrats had less than 50 percent of the total district registration, they had more than 50 percent of the two-party registration.

Seven observations may be made based on this study:

(1) A district is considered "safe Republican" when the Democratic share of two-party registration falls under 50 percent. That occurred in 18 percent of the 1435 races, or 253 elections. Only once in those 253 elections did the Democrat win — Deirdre Alpert's upset of incumbent Sunny Mojonnier in the 75th District in 1990. GOP victories in 90 percent of the 253 races were of landslide proportions, or better than 60 percent.

On the other hand, a "safe Democratic" seat occurs when Democrats enjoy a 67 percent share of two-party registration. That took place in 438 races, or 30 percent of the 1435. In only 3 percent of these 438 cases did the Republican candidate win, and in 89 percent of them the Republican was buried in an election landslide.

Not that districts that do not fall within these boundaries provide water hazards for the party with the highest percent of registration. Over the course of the study, districts regarded as "leaning" produced a victory rate of over 85 percent for the dominant party. One could make the argument that these seats, too, are safe for one party or the other.

(2) The data suggests the magnitude of Democratic fall-off. Democratic legislative candidates generally have failed to do as well as their district's Democratic registration. Presumably, a disproportionate number of registered Democrats have been "deadwood," nonvoters or defectors. On the average, Democratic candidates in contested races between 1972 and 1990 (1134 of 1435) ran 6 to 7 percent behind party registration. Thus, it is not surprising that races we categorize as "competitive" occurred where Democratic registration was in the 54-61 percent range, rather than being evenly matched with that of the Republicans (the 48-52 percent range).

(3) Nearly half (48 percent) of legislative races in California between 1972 and 1990 were held in "safe" districts. Thus, these election outcomes were essentially forgone conclusions where voters were denied a genuine choice at election time. Another one-third were held in "leaning" districts. In a competitive two-party state, it seems impossible to explain away this phenomenon on the grounds of "practical necessities" or to justify as necessary for legislative effectiveness.

(4) In the 1990 election, 52 percent of the 145 legislative races were in "safe" districts. Only one registrationally advantaged candidate in those races lost, and 86 percent won by a margin of 20 percent or more. In other words, the most recent election presented no marked departure from the pattern evident from the larger, 10-election time frame.

(5) Approximately 60 percent of the safe races since 1972 have been safe for the Democratic candidate — almost precisely the percentage of races that Democratic candidates won overall and a reflection of Democratic predominance among the voters and in the Legislature during the period.

(6) Safe districts are associated with uncontested races. Such races are the ultimate affront to the value of electoral choice and can be the most extreme manifestation of how the reapportionment process in even a highly competitive two-party state can produce districts so "safe" that challenging the advantaged party's candidate is hopeless. One hundred and one one-candidate races (7.5 percent of the total) took place between 1972 and 1990, and 60 percent of them involved registrationally safe seats. Another 30 percent occurred in seats categorized as "leaning" to one party or the other.

(7) There are exceptions to the general pattern, cases where candi-

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dates of the dominant party in safe districts somehow defied the odds and blew an election. The last incumbent to perform this trick was Mojonnier in 1990. Plagued by ethics problems, she lost to Democrat Alpert in a district with only 39 percent Democratic registration.

Three Republican legislators account for 10 of the 14 races where GOP candidates have won in so-called "safe" Democratic districts. Paul Bannai and then-Assemblyman Ken Maddy each overcame the odds three times during the early-to-mid 1970s. San Francisco's Milton Marks was elected and re-elected to the Senate on four occasions in an overwhelming Democratic district (once without contest). He eventually switched to the Democratic Party. The most recent Republican upset occurred in 1986 when Democrat Ed Waters (Congresswoman Maxine's son) lost to Republican Paul Zeltner in a district where the Democrats enjoyed 71 percent of the registration. Zeltner lost two years later to Democrat Willard Murray.

But these exceptions are few and far-between. They should not detract from the main focus: that district party registration may be used to indicate whether elections will be competitive. So armed, any citizen may determine if the latest reapportionment left him or her without an effective choice in legislative and congressional elections.

In addition, relying on party registration data allows prospective thinking and the use of quantitative evidence as guide for reapportionment decision-making. It means turning to data that politicians routinely consider when deciding to run for office, to invest resources, and to draw district lines during reapportionment. Unfortunately, they are not typically used to assure electoral competitiveness but to assure precisely the opposite.

It is not a matter of finding some magic registration percentage that will maximize competitiveness in all districts — an endeavor that may undermine legislative effectiveness and run afoul of the legal and political considerations that should enter into the reapportionment process. It is not a matter of requiring legislators engaged in reapportionment to commit acts of political self-immolation, forgo the use of political bargaining skills, or suit up in some decision-making straightjacket.

Rather, it is a matter of accepting the value of competitiveness as central to democratic elections, and of identifying a registration range that will produce a preponderance of districts where both parties' candidates have a reasonable chance of electoral success. If election results over the last two decades provide the basis for estimating future election outcomes, then a Democratic registration between 50 percent and 66 percent produces such a district (although a stricter understanding of competitiveness might suggest a 56-61 percent range). No district should fall outside that range unless it can be demonstrated that other values associated with or mandated in the reapportionment process cannot be otherwise met.

Given all the other considerations, competitiveness is a tough objective for reapportioners to agree upon, let alone to achieve. It deserves a try nonetheless. At stake is a central component of the democratic creed.

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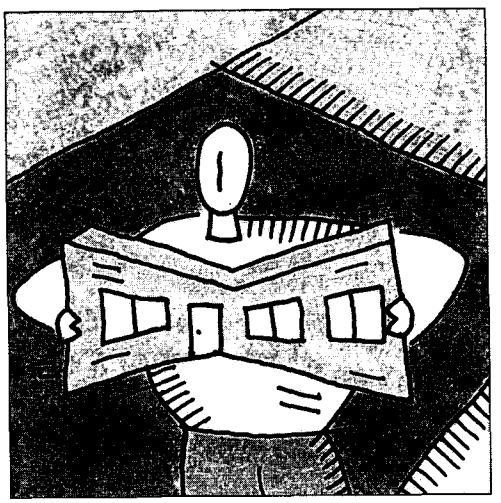

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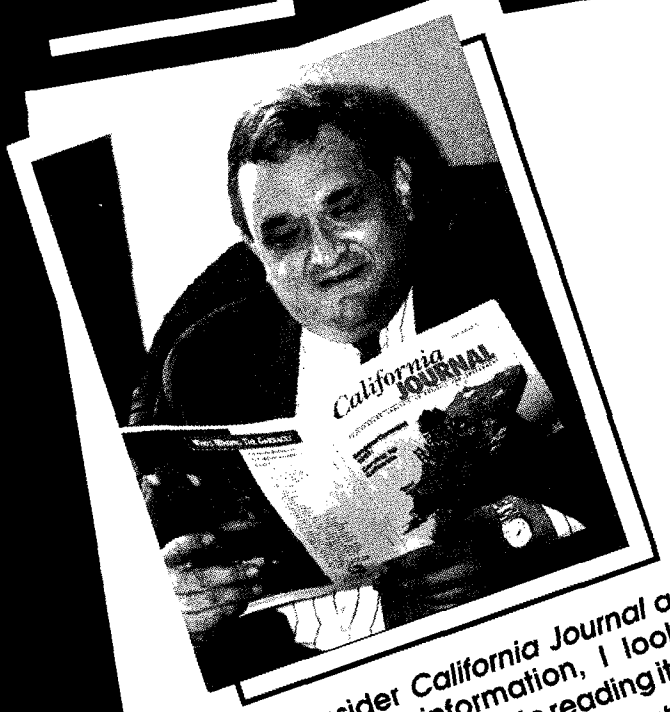

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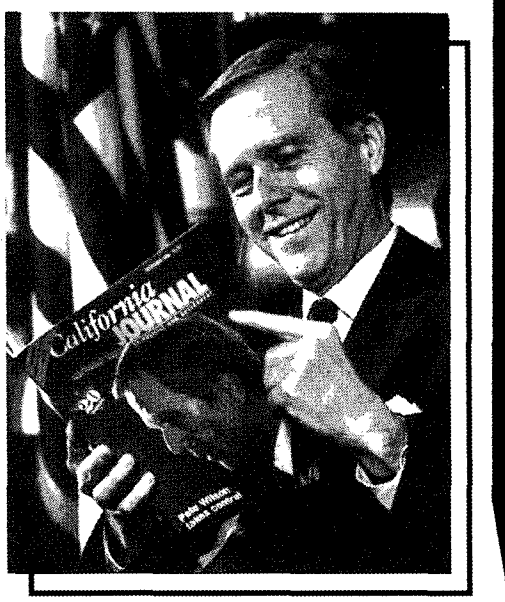

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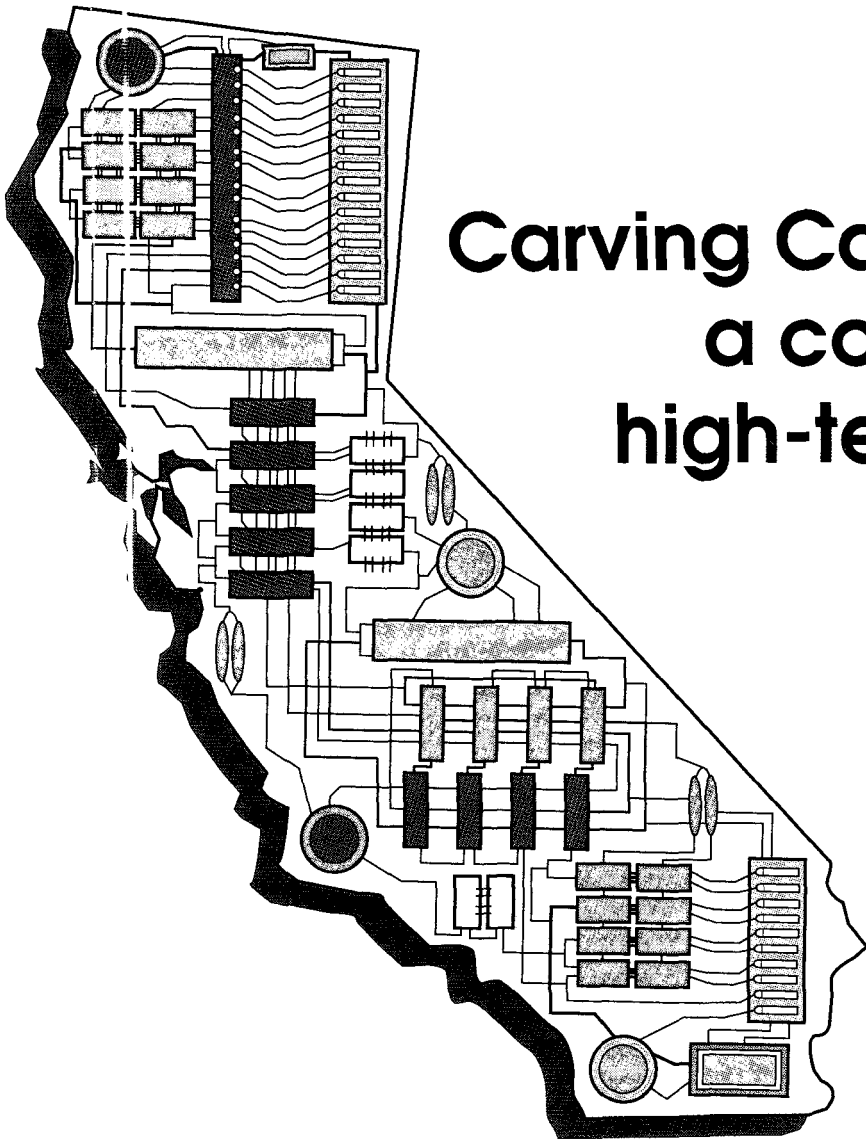

Carving California with a computer: the high-tech drawing of districts

By Eric Auchard

When the California political map was redrawn in 1981, its architect was Phil Burton. Over dinner and drinks, so the stories go, the Democratic congressman from San Francisco bullied and cajoled state legislators into accepting his redistricting plan, sketching on a cocktail nap kin the ethnic enclaves and obscure trailer parks that would mean the difference between easy victory or sure defeat in the next election. Behind Burton's boastful genius there labored number-cruncher Michael Berman, backing up the congressman's artistic hunches with a mainframe computer, reams of electoral data and the best political forecasting Democratic Party money could buy.

It was supposed to be different in 1991. With the aid of new desktop mapping technology that promised instant reapportionment expertise, every citizen could be Phil Burton. Sure, there would still be backroom bargaining, but political outsiders would be able to offer technically sophisticated reapportionment alternatives to the Legislature, propose compromises with other plans and provide critiques of the final maps, all in short order.

It didn't turn out that way. The democratic revolution in political boundary-making will have to wait — at least another 10 years — participants in the 1991 redistricting effort now agree. Despite the commitments from public officials in both parties to assure citizen involvement, legislative reapportionment committees were slow to provide computer data vital to the low-budget efforts of scores of interest groups looking to participate. Publication of legislative plans was delayed until the last possible moment. In a few cases, the legislators actually seemed to listen to the concerns of some minority activists, only to ignore them when drawing the final plans. "The parties were manipulating the process at both ends," charges Larry Shinigawa, who directed computer operations for the Asian-Pacific Americans for Fair Reapportionment.

For approximately $30,000, any citizen group could enter

Eric Auchard writes for the California News Service, a project of the University of California, Berkeley School of Journalism.

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the great reapportionment race of 1991. This included the cost of essential hardware for a desktop mapping system at around $10,000 and a minimum of $2500 to cover the costs of software. Purchasing the basic data such as census files and voter registration records could run $20,000 or so. That was the arithmetic that led a number of citizen organizations to purchase or contract out for their own map-making systems.

But groups that took the plunge quickly found that the minimum $30,000 investment only got them started. The truly relevant information is the unique political data that helps identify target voters so that they may be leveraged into districts for maximum electoral advantage. Records of decisive electoral campaigns — for example Ronald Reagan's victory in 1984 — can be used to deduce party, ethnic or ideological loyalties. For groups such as the Mexican American Legal Defense and Education Fund (MALDEF) or the Asian-Pacific Americans, a key component would be the "ethnic dictionaries" that compile Latino or Asian surnames as a means of identifying ethnic voters. But this sort of political data adds cost and also raises technical issues of data compatibility, which in turn can lead to still greater costs. In the case of Los Angeles County, running demographic breakdowns of simple census data alone demands more than 100 megabytes of a computer's memory. Adding registration figures, partisanship markers and electoral tallies pushes the limits of storage space that most computers have available, certainly those affordable to nonprofit groups that hoped to participate in the reapportionment debate. For MALDEF, which was willing to make the bigger investment, such limitations were overcome. Other groups had to make do with less.

"Those citizen groups have been cut out of the opportunity to perform a really creative evaluation of the reapportionment maps," says Byron Jackson, a professor of political science at California State University, Los Angeles, and technical consultant to black and gay groups active in reapportionment. "It's not a computer problem as much as having access to data and knowing how to set it up."

Nancy Tosta, assistant director of the state's Teal Data Center, says the would-be Burtons may have placed too much faith in gadgetry. "This is very complex technology. Many of the citizen groups were extremely unprepared to use it. There's a steep learning curve."

Assembly Speaker Willie Brown and other Democratic legislators made a variety of promises at the outset of the reapportionment process about citizen access, advance notice and opportunities for public response. Those pledges dissuaded liberals and minorities from supporting two Republican-backed reapportionment initiatives, Proposition 118 and 119, calling for a boundary commission and compactness as a criteria for redistricting. In hindsight, some of those groups wonder if they made the right decision.

The Republicans made promises, too. Early on, they offered free software and political data to minority groups. But when the Asian-Pacific group submitted a request for software and data from the Republicans, it never heard back. MALDEF, looking ahead to court challenges, decided it was better off remaining independent. And the NAACP appeared to be counting on Willie Brown to pull it through.

"Neither of the parties has been attentive to any of the constituencies, whether it's civil rights or environmental organizations," Shinigawa says. "Both parties determined that it would not be advantageous for minority groups to develop their own resources."

Bill Cavala, the legislative staffer in charge of the Assembly's reapportionment effort and an aide to Speaker Brown, challenges these assertions. "We exchanged data with any group interested in the process," he says, adding that the Assembly Elections, Reapportionment and Constitutional Amendments Committee could return data two to three hours after it was requested. Even allowing for months of hangups in the release of census data, court disputes over adjusting census figures and the limitations of the state's computer system, "everyone had data for weeks" prior to release of the legislative plans, Cavala insists.

Tosta, whose duties at the Teal Data Center included running the system that produced the reapportionment maps, says the center was simply not prepared to act as a public-assistance office for citizen groups doing reapportionment. "What we do is on a cost-recovery basis. We have no budget for reapportionment. We don't get our money from the general fund. Everything we do, we have to recoup costs on."

The problem, Cavala says, comes down to politics. "It wasn't a question of access to data. The real question was at what point do you have a plan that has sufficient support to take it to the public." He says the months of negotiations it took to develop the plans — negotiations involving many of the groups that were complaining in public — delayed release of the information. If the initial boundary maps had been released, he argues, "all you'd have is a staff-driven plan that wouldn't satisfy anyone."

But many citizen groups didn't see it that way. Short of insider political muscle and the money to fund a full-blown

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reapportionment campaign, an alliance of gay and lesbian political-action committees hired Dick Pabich, a San Francisco political consultant, to accomplish a more limited goal. The coalition did not actually propose districts. But using demographic and electoral data, including AIDS mortality statistics plotted by census tract from the Centers for Disease Control, the group produced color maps showing concentrations of gays and lesbians around the state. That data was transmitted to the Legislature, some of it personally to Brown and Senate President pro Tempore David Roberti.

In San Francisco, where hopes centered on the possibility of creating a "gay" Assembly seat, the alliance was disappointed to see the legislative plan drawn to promote incumbents while continuing to divide the gay community. "It would have been quite easy to draw lines that kept black, Hispanic and the gay communities together and another district for Asians," says Pabich, now campaign manager for mayoral candidate Angela Alioto.

Shinigawa, of the Asian-Pacific group, says he and his colleagues didn't fare much better. After months of waiting for the state to untangle California census data, the group purchased the information only to learn that it was not in a form that could be easily integrated with political data that identify ethnicity. Without melding the two data sets, it was impossible to draw boundaries for districts that would concentrate Asian voters, let alone a statewide map.

"The combination of costs and delays made it only possible to do the Bay Area," says Shinigawa."These factors hurt many groups that are not as organized and that don't have as many resources as the Legislature."

Of all the interest groups outside of government, only MALDEF, with more than $200,000 to spend on its reapportionment effort, attempted to draw a statewide plan. MALDEF proved an interesting exception to the exclusionary logic of the reapportionment process, an exception that confirmed all the old rules. As a representative of the minority group with a voting base too large to be ignored, MALDEF became a player. The deal-makers had little choice but to cut the Latino organization in on the reapportionment negotiations. Its experts worked closely with the Legislature's reapportionment committees, sharing political information and receiving technical assistance.

One measure of MALDEF's clout was the plan it finally presented to the Legislature — one that drew two largely Latino congressional districts, as well as matching Assembly and Senate seats through the Central Valley. That configuration threatened more than just the Anglo incumbents in the area.

"When you looked at it on a map, it literally meant Latinos controlling everything from San Jose south to Kern County," says Leo Estrada, director of MALDEF's computer team and a professor of urban planning at UCLA. "It was revolutionary. It meant giving control to Latinos for most of the agricultural heartland of California."

Needless to say, the Legislature didn't swallow the plan, but Estrada is confident that some form of the Central Valley map will be resurrected in the court-supervised proceedings. "In public we were poorly treated," the MALDEF computer expert says. "But afterwards we would come back to the office and the calls would come in. The Legislature was more conciliatory behind the scenes."

A political maturing has taken place among Latino groups, Estrada suggests, as they have come to understand the reapportionment process. "In 1980 we had no sense of what we were trying to do. We did a good technical job, but we didn't know how to use political influence. The system doesn't allow for alternative plans. Only legislators can create plans. The only way to affect their plans is through influence."

Watching state reapportionment from the sidelines for the first time since 1971, Bob Naylor, the former Assembly minority leader and Republican Party chairman, says that the availability of computer mapping software, to a limited degree, has helped to shift power away from the party professionals and into the hands of civic groups. But the partisan nature of the process still requires somebody to negotiate the deals that tie reapportionment together. Naylor retains a prized memento from his own horse-trading days: the tablecloth on which Phil Burton, during a 1981 meeting in Washington, D.C., offered him a tailor-made Silicon Valley congressional district in exchange for his agreement to support the Democratic congressional plan. With that memory still fresh, Naylor continues to call for placing redistricting responsibility in the hands of a non-partisan reapportionment commission, an idea he has been touting since his freshman year in the Assembly.

"Information is power in the redistricting process and the incumbents don't want to share their power with the public," agrees Allan Heslop, reapportionment guru at the Rose Institute in Claremont, a group used by Republicans and largely shunned by Democrats. "That's true of both parties, but the speaker is the most blatant offender." As long as partisan power governs access to the reapportionment process, he argues, meaningful public involvement in the reapportionment process will not take place.

But Heslop and others have praised the process used this year in the Senate as at least a down payment on future reforms. "I would love to be able to criticize the Senate plan, but they produced a decent one with reasonable maps. Anyone who has a basic knowledge of California political geography could find their way around. They held open hearings in different parts of the state throughout the process and they came out with an acceptable bipartisan plan."

Lisa Foster, state executive director of Common Cause, agrees. The Senate, she says, provided historical voting data and basic demographic breakdowns by district and then presented maps that adhered to census tract lines so that outside groups could more easily compute how the new lines affected specific minority communities. Still, Foster complains about the end result: "The problem with the Senate was that the process was good, but they still produced an incumbent protection plan."

Only two rules currently constrain legislators according to Heslop: "one man, one vote" and minority voting rights required by the Federal Voting Rights Act.

"The fact of the matter is that there is no area of politics that is more lightly regulated," Helsop says. "Those rules permit and even encourage gerrymandering." What is needed, he says, are additional rules to constrain the process or alternately to take it out of lawmakers' hands and put it into the hands of a commission.

"I personally favor action guidelines to identify the basic communities and use these communities as basic units of representation," Helsop says. In the meantime, Heslop says he's not holding his breath. "Only term limits will get the incumbents out of power."

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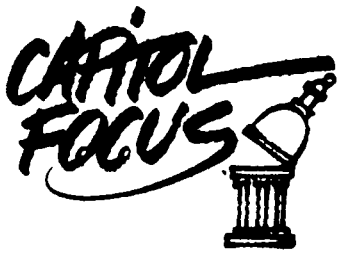

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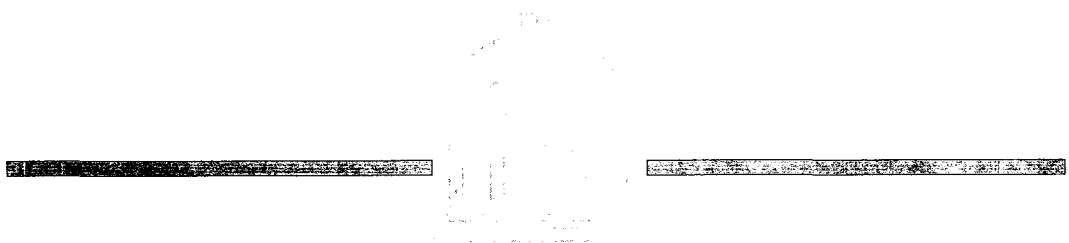

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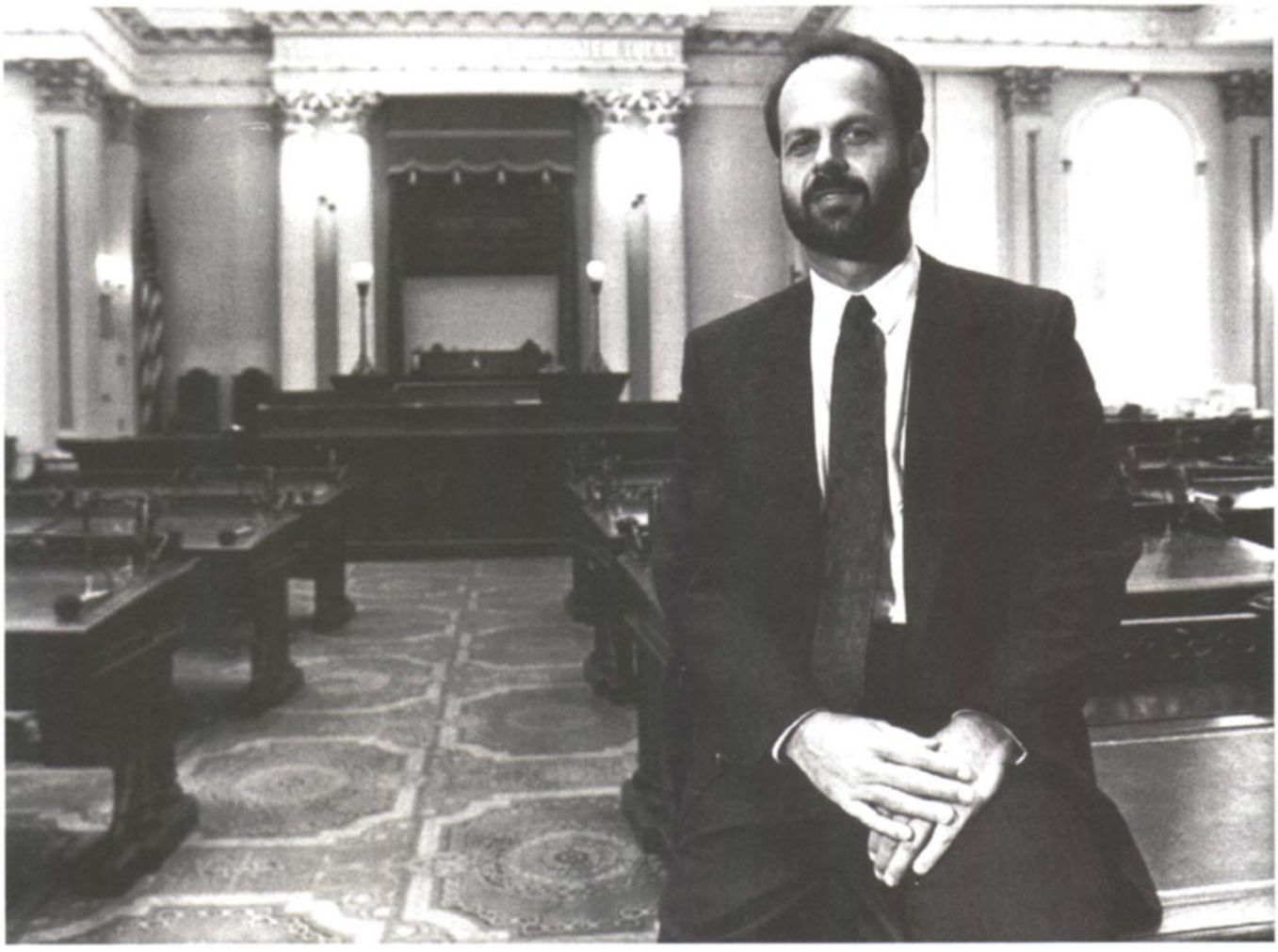

Photo by Rich Pedroncelli

RICK ROLLENS

Juggling three of the Senate's power posts

By Kathleen Z. McKenna

Most ambitious people make a few enemies on their climb up the success ladder, but Rick Rollens, the new secretary of the state Senate, somehow has managed to endear himself to nearly everyone.

Here's a man who not only was elevated in February to the chief Senate staff officer position — replacing longtime secretary Darryl White, who retired — but continues to hold down two other Senate jobs.

For the $104,640-a-year the 40-year-old Rollens receives, he also serves as director of floor analyses and consultant on bill referrals to the Rules Committee.

That much clout might go to anyone's head, but Rollens remains humbled by his good fortune. "Every time I walk in the building it's still hard for me to believe I'm here," said the Hollywood native, whose family moved to the San Fernando Valley when he was 10. "I'm still taken in by the whole thing. I'm very privileged to be where I am."

A few staffers may grumble that he demands

Kathleen Z. McKenna is the Sacramento reporter for the Oakland Tribune.

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perfection, but most in the Capitol genuinely like and respect Rollens. "If Rick were born a dog, he would have been Lassie," said longtime pal Barry Brokaw, chief of staff to Senator Dan Boatwright, Democrat from Concord. "Everybody loves Lassie. Rick's a sweet, come-to-the-rescue kind of guy. Rick's a tribute that nice guys don't finish last."

The five-member Rules Committee, which plucked Rollens in 1981 from his job as chief of staff to Democratic Senator Alan Robbins of Van Nuys, also thinks highly of him. "I think he does an outstanding job," said Republican Senator William Craven of Oceanside. "He gets along with everyone. He's a fine, gentlemanly person. He's extremely knowledgeable and handles himself well."

Craven said initially he was a little uneasy about giving Rollens three jobs to perform. "I thought it would be too much work for him, but he's handled it with his usual aplomb," said Craven.

Another Rules Committee member, Democratic Senator Nick Petris of Oakland, said of Rollens: "He's a guy of quiet competence. No razzle-dazzle. No phoniness ... It may look like he's hoarding power or a high salary with three jobs, but I look at it as him doing us a favor. He didn't campaign to get all three jobs. We're lucky he's willing to do all three."

Petris added that Rollens has a tough job: "He's in the hot spot often, deciding which committees bills will be assigned to. He has to say 'no' to members."

While Rollens holds incredible power in recommending to the Rules Committee which committee should hear a bill, he insists politics never figures into his judgment. After 35,000 bill assignments, Rollens said he has never changed his recommendation even though he knew Senate President pro Tempore David Roberti, chairman of the Rules Committee, would disapprove of some of his proposed assignments.

"Members trust me to give them the straight scoop," he said. "I make recommendations based on past history of where similar bills have been sent."

Rollens also draws praise for his work as director of floor analyses and scores high marks for unbiased work from Republican legislators.

"He's very careful," said Senator Newton Russell, a Glendale Republican. "Rick has been fair to both sides in his analyses. I feel very comfortable relying on his work." Although Russell said Rollens is not yet as familiar with the procedural rules as was longtime Senate secretary White, he said, "I would rely on Rick's fairness in any situation."

Senators also said Rollens saves the state money by filling three jobs at far less than it would cost to have three people do the work. Rollens estimated the combined salary for all three jobs would be $250,000 annually. While most in the Capitol predicted doom from the budget cutbacks imposed by Proposition 140, Rollens ironically has benefited from them. A sweetening of retirement benefits offered Senate employees to help avoid layoffs persuaded White to vacate the secretary's office which Rollens inherited. Rollens also got the job overseeing floor analyses after voters passed Proposition 24 in 1984, a mini-Proposition 140, that prompted Republican and Democrats in the Senate to merge their floor analyses offices. Cliff Berg, executive officer of the Rules Committee who had met Rollens when they worked on George McGovern's 1972 presidential campaign, chose him to oversee a staff of eight in the first non-partisan office of floor analyses. Rollens is most proud of the bipartisan respect his analyses have garnered. Former Governor George Deukmejian would rely on Senate analyses to help him decide a bill's fate.

"All of us want to leave some kind of mark in our career about something they've accomplished," said Rollens. "We've never been accused of any partisanship....I'm proud of everything I've done there."

Despite holding down three jobs, Rollens says he has a highly competent staff to rely on, allowing him to avoid becoming a workaholic. The father of two boys, celebrating their sixth and first birthdays in October, Rollens prefers to spend his evenings at home with them and his wife of 14 years, Janna.

"My family is my foundation, my rock to keeping my sanity all these years," he said. "If I have a choice between hanging out here or at home, there's no choice."

Growing up in the San Fernando Valley, Rollens' father was a machinist at Lockheed and worked as a stand-in for some actors, including Efrem Zimbalist Jr. in his "FBI" series. The first in his family to graduate from college, Rollens was "a little above average" student who captained the tennis team and wrote sports stories for the college newspaper. His entry into the political world came when he did volunteer work while a junior in high school for Bobby Kennedy's presidential bid.

A graduate of Pierce Junior College and California State University, Northridge, Rollens did some advance work for McGovern's 1972 unsuccessful presidential bid. While working on that campaign he met Berg and Brokaw, a friendship that continues today. After stints with the Democratic National Committee and a one-year congressional internship, Rollens co-managed a Los Angeles City Council campaign. His candidate lost by 300 votes, "the low point" in Rollens' political life.

In June 1975 he went to work for Robbins, first as a district administrative aide and later as his chief of staff. Rollens said Robbins, who has made his share of enemies in the Capitol, was "very demanding and tough, but always fair. We worked hard and Al expected a lot from us. He carried 75 to 125 bills a year. We were taught this process. He has a strong philosophy of never-say-die. I learned so much from him during those years about the Senate process."

Although he is a very disciplined and organized person, who usually eats lunch at his desk to make sure work never piles up, he also takes time to enjoy life. When Rollens isn't working or spending time with his family, you're likely to find him at a Madonna concert, (he said he's attended all of her Northern California concerts) or jamming to music he listens to on his award-winning car stereo system. Rollens spent $10,000 to equip his 1989 Honda Accord LXi with a 17-speaker system. The entire system is hidden to deter would-be thieves. Rollens won first place in the 101 to 250 watt consumer class at the International Auto Sound Challenge Association finals in Arizona last year, beating 30,000 other competitors. The system, he stresses, is geared toward quality sound, not volume. "I'm not a boomer," he said. "It's an amazing system. It sends chills down your back."

With the additional demands on him though from his position as Senate secretary, Rollens has put his car up for sale for $25,000.

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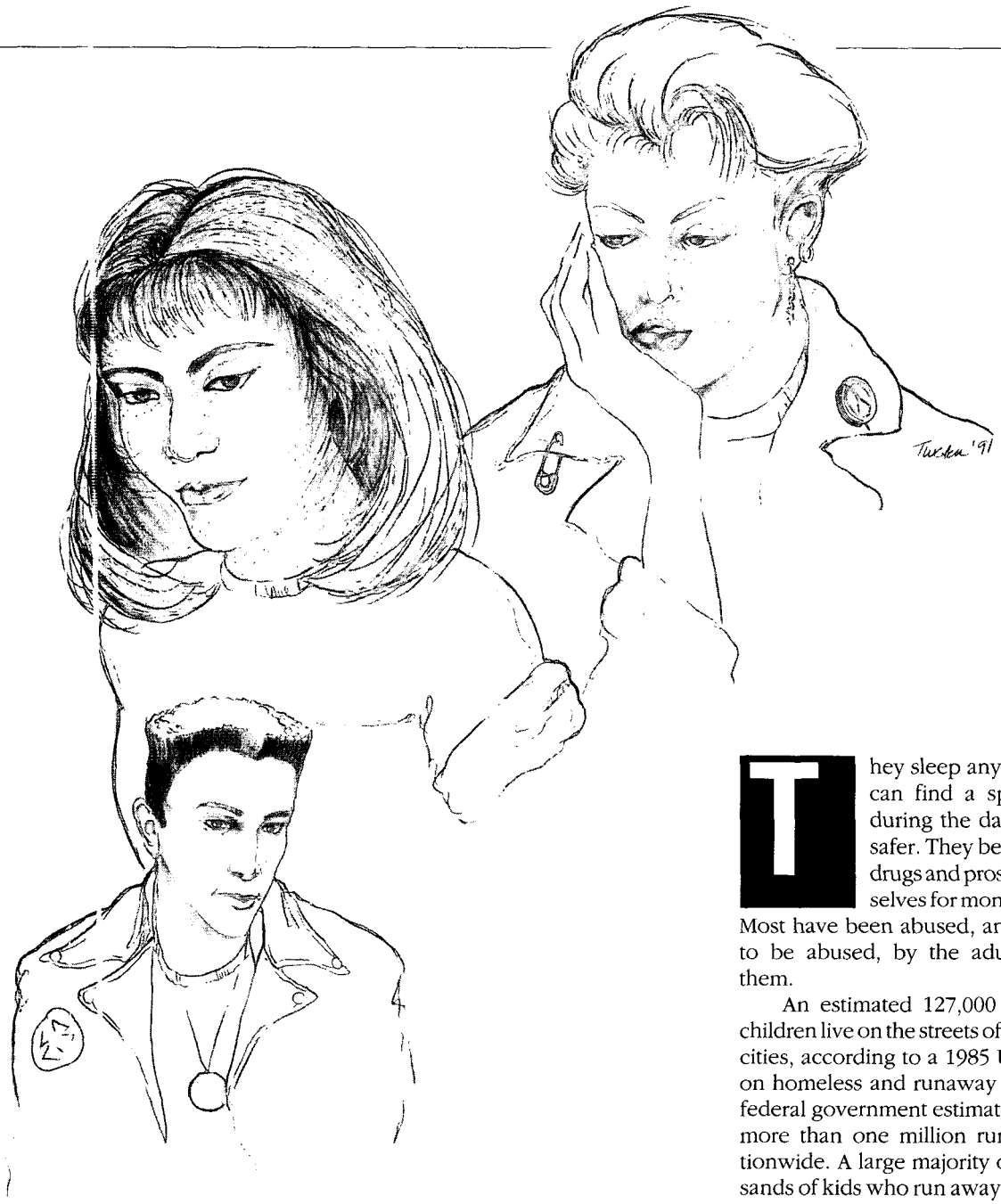

Runaway children face overwhelmed state programs

By Chris Ziegler and A.G. Block

They sleep anywhere they can find a space, often during the day when it's safer. They beg, steal, sell drugs and prostitute themselves for money for food. Most have been abused, and continue to be abused, by the adults around them.

An estimated 127,000 to 128,000 children live on the streets of California's cities, according to a 1985 UCLA study on homeless and runaway youth. The federal government estimates there are more than one million runaways nationwide. A large majority of the thousands of kids who run away from home each year return to their families after a few days, but those who do not are generally running from a life worse than that on the streets. An increasing number of homeless youth are "throwaways," kids who have been abandoned or kicked out of their homes by their families.

"One thing we have learned is that these are kids with very abusive histories," says Dennis Fisher, senior program specialist for the Child Victims Service branch of the Office of Criminal Justice Planning. "Most of these kids don't have a home to go back to."

Chris Ziegler was a California Journal *summer intern. A.G. Block is managing editor of the* Journal.

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Officially considered status offenders if they are a runaway — homeless, truant or out of control of their parents — these youth fall between the cracks of government social services; they are not part of a homeless family, are not unemployed adults, disabled, veterans, or crime offenders. Runaways are also not eligible for child protective services.

California, "with its large population ... warm weather, numerous beaches and reputation for being a 'cool place,' has become a popular haven for homeless street youth," according to a position paper of the California Child, Youth and Family Coalition (CCYFC), which lobbies for children's rights.

"If you look under the Hollywood Boulevard overpass, there'll be 30 to 40 kids," Fisher says.

A 1981 United Way Planning Council study of Los Angeles County estimated there was 10,000 runaways in that county on any given day, according to a report on runaway and homeless youth by the Commission on California State Government Organization and Economy (Little Hoover Commission).

"There are real battles at bus stations between the pimps and the social service people ... to see who gets them," says Tony Cimarusti, assistant director of the California Youth Authority.

The state does not have a comprehensive policy to deal with status offenders, but rather a "hodgepodge" of state and local programs, says Catherine Sizemore-Barrankin, a lobbyist for the CCYFC, which advocates a more comprehensive policy.

Currently, there exists a loosely organized structure of runaway hotlines, after-school care, shelters, and non-secure receiving homes that provide food, shelter and counseling, as well as referral and health services to runaways. The basis of the state's services is a statewide hotline and the Homeless Youth Act of 1985, which created the Runaway Homeless Youth Projects to coordinate youth service agencies in San Francisco, Los Angeles, Santa Clara and San Diego counties. City, county and private programs also provide services, and are funded by a variety of sources.

Youth deemed to be status offenders by a juvenile court may no longer be held in juvenile hall or some other secure facility as they could until the mid-1970s, California Child, Youth and Family Coalition hotline director Marilyn Erickson says.

Now, if a youth is arrested for some petty offense, such as for loitering or stealing food, he or she is usually delivered to a shelter or receiving home after the charges are dropped. Unlike juvenile hall, "the doors aren't locked from the inside," says Leonard Lloyd, manager of the Horizon Youth and Family Service in Livermore in Alameda County.

The state does not have a comprehensive policy to deal with status offenders, but rather a "hodgepodge" of state and local programs.

Kids can stay at shelters for seven to 90 days, depending on what the facility is equipped to handle, and receive food, counseling, medical assistance, a shower, and of course, a place to stay.

The CCYFC runaway hotline, created in 1984, provides crisis counseling and referrals, and handles several hundred calls per day, Erickson says. The number of calls has increased dramatically, from 1000 calls per month in 1989 to 2000 calls per month for 1991 so far, she says.

Each county decides how it will administer its services to runaways and homeless youth. The Horizon Youth and Family Service is one of a variety of programs that serve Alameda County, and provides assistance to approximately 250 runaways per year, 65 percent of them girls, Lloyd says.

A youth delivered by police to the Horizon Youth and Family Center receives immediate counseling, and his parents are notified and required to meet their child at the facility. The home situation is then evaluated, and family counseling is offered.

"You can't get anywhere working with just the kids," Lloyd says, adding that counseling just the child reinforces the parents' opinion that the problem lies solely with the child.

Lloyd also notes that many of the parents he encounters object at first to the idea of family counseling, or are displeased that the child was not taken to a secure facility, expecting the youth to be punished for running away. Some refuse to meet the youth at the center, or to take him home, he says, adding that when this happens, he reminds the parents that child abandonment is illegal.

Since so many runaways engage in prostitution or "survival sex" for drugs, food or shelter, the OCJP started the Child Sexual Exploitation Intervention program in 1987 as part of its ongoing effort to deal with sexual abuse, Fisher says.

The program, which has centers in San Francisco, Santa Clara, Los Angeles and San Diego, provides hotline services, drug and alcohol counseling, psychological counseling, shelter, and "independent living and survival skills to prepare the juvenile prostitute for a lifestyle free from contact with those who exploit them," according to the OCJP's 1991 report on the project.

OCJP hopes to expand the Child Sexual Exploitation Intervention program, but a bill proposed last session by Democratic Assemblyman John Vasconcellos of San Jose failed to receive funding. The OCJP also wants centers located in rural regions because most of the attention to the runaway problem has been focused on urban areas, Fisher says.

The state's Runaway and Homeless Youth Projects are funded through OCJP. "It's working really well. They're unique programs in the state," Fisher says.

California's policy toward status offenders, and toward children in general, has fluctuated over the past 150 years as society's attitudes have changed. Until about the mid-1970s a youth could be arrested and sent to juvenile hall for being a runaway. The segregation of youth from adults in correctional facilities was itself a reform done during the Progressive Era when juvenile court law was developed as separate from criminal law for adults.

Youth in juvenile lock-ups were catagorized as "700s" depending on the offense until the early 1960s when a major revision in federal law divided kids into either "600s" (abused or neglected), "601s" (beyond control of supervising adult) or "602s" (delinquent).

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Another federal change a few years later created the catagory of "300s," for abused children. Changing the numbers "was just to get us to think differently," Lloyd says.

The problem with the old policy, according to Lloyd, was that non-criminal offenders like runaways were housed with criminal youth. Over the years, probation officials found it increasingly difficult to get kids out of juvenile hall and into the parents' custody to await their court hearings. "They couldn't get them out," Lloyd says of the kids.

According to Lloyd, many parents of runaways saw the locking up of their child as a way of getting the state to punish their child for them, and so would refuse to have the youth released into their custody until the hearing.

Interestingly, parents of violent offenders often defended their children more than did the parents of runaways, so youthful criminals would wait for their court hearing at home, while runaways waited, sometimes up to three weeks, in juvenile hall, Lloyd says. "Even the kids would say, 'I don't get it,'" of why they had to remain incarcerated while other kids arrested for more serious crimes went home with their parents.

California Youth Authority officials and others who worked with status offenders also noticed that locking kids up in juvenile hall was ineffective in detering youth from running away. "Our girls' home became a revolving door," Lloyd says, adding that the idea to abandon the incarceration policy originated with the girls' home staff.

To counter this problem of overcrowding youth facilities with non-criminal offenders, Sacramento County petitioned the state to place runaways and homeless children in non-secure receiving homes in 1970, with Alameda County closely following suit in 1971, Lloyd says. In 1976 the practice of incarcerating non-criminal offenders in juvenile hall in California ended. If California returns to incarcerating status offenders it would lose $5 million per year in federal monies.

After the incarceration policy ended, there was a period of several years while the state grappled with how to handle non-criminal status offenders. Until the youth projects started in the mid-1980s, "This category of kid didn't have services at all," according to Fisher.

State Senator Robert Presley, a Riverside Democrat and longtime opponent of the incarceration policy, could not explain the lag in legislation between the ending of incarceration and the beginning of providing non-secure shelter for status offenders. But of the current policy, he says, "I think we're moving in the right direction."

From 1976 until the Homeless Runaway Youth projects were created, the state moved slowly to devise a new policy for status offenders. The bill that ended the incarceration policy also mandated that the state fund community-based shelters, as it does now.

But "Prop 13 happened," says Gary Yates, associate director of the division of adolescent medicine at Children's Hospital in Los Angeles. Federal homeless programs and private agencies provided services to runaways, but growing budgetary problems during the late 1970s and early 1980s kept California from developing any kind of organized policy, besides continuing to lock up youths who committed violent crimes, says Yates.

By the early 1980s, probation departments, the agencies which were to administer school drop-out programs and other such juvenile crime-prevention projects, suffered budgetary cutbacks as much as 50 percent in a county. "Funding was not prioritized in that direction," Yates says of programs that seek to deter juvenile delinquency. "It took three or four years for people to realize the extent of the status offender problem," he says. "We've done nothing to create a new revenue base until this year."

Changing perception of runaways from that of juvenile delinquents to that of children often from abusive families also provided impetus for the state to support the shelter policy.

However, "there is still a lot of public sentiment that these kids are mini-criminals who should be locked up until they're 65," Fisher says.

The CCYFC has long been an advocate of alternative methods of dealing with runaways and lobbies for a more comprehensive policy. "We believe that the state of California should guarantee a shelter in every county," Erickson says, adding that there are

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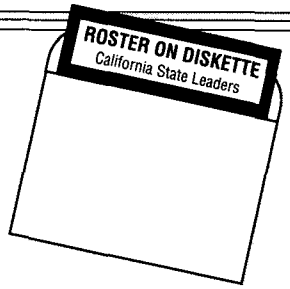

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only 39 shelters, and 58 counties.

"They're kind of simplistic," Lloyd says of suggestions to return to incarcerating status offenders. It's "that wish that if we made a law it'll be solved."

While the OCJP does not have a position on which policy is more effective or which it considers better policy, Fisher says, "The reality is that juvenile hall is jammed with really violent offenders."

Sizemore considers the current policy, "supportive, but wholly inadequate," and branded incarceration a "barbaric practice."

It is Sizemore's view that with the state's current fiscal woes, a comprehensive policy for status offenders, is "not going to happen anytime soon."

Presley agreed. "It's frustrating but we can never get sufficient funding to get it [the shelter policy] done properly," he says.

This year's budget woes have had an effect on the programs administered or funded by OCJP; its budget for such programs as the Runaway and Homeless Youth Projects was cut by 4 percent for 1991-92, from $992,000 to $883,000, Fisher says.

While this means that the programs will have to cut back on staff, they are typically low-cost operations to begin with, he says. For instance, the project in Los Angeles spends approximately $900 per child, per year, as compared to the $31,064 that the CYA spends per youth, per year for incarceration, he says.

In the past few years there have been a number of bills to provide shelter and counseling for status offenders, including one that required the CYA to implement a model system of employment preparation and placement services for youth offenders. Another mandated that a youth may not be made a dependent of the juvenile court solely because of lack of emergency shelter for his family. In the early 1980s legislation was passed that authorized police to refer or deliver a minor taken into temporary custody to a public or private agency for shelter and counseling.

Republican Assemblyman Paul Woodruff of Redlands, another supporter of the shelter policy, believes drug and alcohol counseling and treatment programs should be added to the current policy. "We want to help these kids but they're so strung out," says Woodruff's legislative aid Lea McSweeney.

Although the state has not sent status offenders to juvenile hall for 15 years, there are still some who advocate some form of incarceration. Assemblyman Curtis Tucker Jr., an Inglewood Democrat, has proposed a bill that would allow "a minor who has been adjudged a ward of the juvenile court by reason of various forms of non-criminal conduct may be confined in a suvervised facility or juvenile hall ... for no more than five days if the minor has willfully disobeyed an order of the juvenile court by leaving court-ordered placement on three separate occasions without adequate justification or permission," according to the bill, AB 119.

Tucker argues that his bill would handle those kids who "were headed down that slipperly slope."

However, "it costs a ton of money," McSweeney claims.

"It's going to take a lot of money to avert kids from a life of crime," argues Tucker. "It may be expensive, but we're talking about an even greater expense if you don't ... housing that person later." He estimates that his bill would cost anywhere from $100,000 to several million dollars.

It costs the CYA $31,064 to house one youth for one year, CYA information officer Sarah Andrade says. Currently, the CYA has 8167 inmates, and 5965 youth on parole. Its 1990-91 budget was $387 million.

Several incarceration-type bills have been introduced since the early 1980s, and all have been defeated, mainly in committee. One proposed in 1983 would have permitted minors who were 14 to 16 at time they committed specific crimes to be tried in adult court; another bill in 1982 would have authorized the secure detention of a minor if the youth was deemed a ward of the court on basis of non-criminal conduct and then failed to obey a court order. A constitutional amendment was proposed to impose life sentence without parole for a minor convicted of first-degree murder with special circumstances, and a couple of bills would have detained a youth in a secure facility if it was deemed in the best interest of the minor or the public, or if the youth had left a shelter or some other non-secure facility.

McSweeney acknowleged that while Woodruff opposes Tucker's bill, "Everybody's trying to do the same thing," in dealing with the problem of runaways.

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art by Wendy Shaul

Gary Condit's annoying ways

Rookie's behavior offends House leaders

By Michael Doyle

Gary Condit's congressional colleagues sent him a message a while back when they slapped down his effort to join a prestigious committee. The lesson that Condit chooses to learn from the chastening experience will help shape the rest of his Capitol Hill career.

A conservative Democrat who represents the area from Modesto to western Fresno County, Condit sought to join the House Energy and Commerce Committee as Congress was reorganizing itself for the 1991 session. The high-profile panel commands jurisdiction over a huge chunk of legislation passing through the House of Representatives; its members involve themselves in some of the hottest federal issues and, not coincidentally, attract campaign funds from all manner of political-action committees.

But the former state assemblyman brought some baggage along with his bid for greater clout. A politician aware of how well an independent image can play among voters, Condit appeared to buck the House Democratic leadership several times during his first year in office. There were some procedural votes where he went against the party; and, more generally, a perception in some corners that he just didn't care about what his political elders wanted. According to several congressional sources, House leaders remembered this and decided there was no reason to support Condit in his move up.

This maverick role, and an occasional thwack from the stick of political discipline, is nothing new for Condit. Before the 43 year-old Oklahoma native was elected to Congress in September 1989, he cultivated a reputation as a conservative rebel fighting his party's leadership in the California Assembly. His participation in the "Gang of Five" rebellion against Speaker Willie Brown cost him a committee chairmanship, but played well among the Central Valley's conservative voters.

Condit said after arriving in Congress that he harbored no anti-leadership agenda but added with a touch of swagger that neither was he interested in becoming a political insider.

"I call them the way I see them," Condit said last November, shortly after breaking with the House leadership on a budget issue. "I don't check with the leadership ... I don't feel like I need the permission of anyone to vote [a certain way.]"

The question for Condit, as it is for any politician who flirts with the image of independence, is when defiantly going one's own way undermines the ability to get anything done except get re-elected. In this sense, Condit's behavior both in the Assembly and the House of Representatives presents a little case study, particularly when placed up against the contrasting style of a San Joaquin Valley Democratic colleague — Calvin Dooley of Visalia.

Dooley defeated Republican incumbent Charles "Chip" Pashayan in 1990. The 37-year-old Dooley has never before held elected office; interestingly, Condit, the self-styled outsider, has been running for and holding public office for the past 19 years. In his first year in

Michael Doyle is a reporter in the Washington, D.C., bureau of McClatchy Newspapers.

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Congress, Dooley undeniably played along with the House leadership and appeared willing to learn from his colleagues. But Dooley has also thrust himself into the nitty-gritty of issues key to the San Joaquin Valley. He played a key role in trying to strike a compromise on irrigation subsidy reform, and took the initiative on efforts to craft relief legislation for dairy farmers.

And, within several months of his taking office, Dooley had earned the keys to a committee that he wanted. A member, along with Condit, of the House Agriculture Committee, Dooley won the support of House Speaker Tom Foley to join the House Interior and Insular Affairs Committee. The panel has responsibility for a wide array of water and public-lands issues critically important to the Central Valley. Winning the interior committee seat reflected a reservoir of good will and respect that Dooley had developed among colleagues; it also showed this freshman lawmaker can plot and aggressively implement a behind-the-scenes campaign. It showed, in short, political skill.

Ironically, the last valley lawmaker to have the same powerful combination of agriculture and interior committee slots was Tony Coelho, the former House majority whip whose resignation in 1989 created the opening filled by Condit. Meanwhile, Condit's second committee assignment remains for the time being the fairly obscure government-operations subcommittee on agriculture and justice. This is not, evidently, where Condit's heart lies, given the fact that he's missed 17 out of 29 subcommittee hearings since January 1990, according to committee records.

Interviews with more than a dozen House members, aides, lobbyists and close congressional observers paint a picture of a congressman who got off to a rocky start, who seemed reluctant to accept advice from other members and who still goes his own way on many issues. Condit is not considered to be particularly close to other House members — a distinction that matters, as one House member said, because Congress "is based on personal relationships." The focus of his legislative agenda remains unclear.

But though Condit's congressional colleagues blocked his first shot at moving up, the 435-member House remains a more forgiving place than the 80-member Assembly. Moreover, several of Condit's colleagues say he now has a finer appreciation for the teamwork that party leaders expect at certain times.

BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 384,973 valid signatures; constitutional amendments require 615,958. In parentheses is the deadline for sponsors to submit signatures to county clerks, and the issue of California Journal *that contains a full explanation of each measure. The full texts of all initiatives may be obtained from the Secretary of State's election division, 1230 J Street, Sacramento CA 95814.*

New in circulation:

TERMINAL ILLNESS. ASSISTANCE IN DYING — an initiative statute, sponsored by Robert Risley of Pasadena and Allan Briney of Whittier, would permit a revocable written directive by a mentally competent adult, once diagnosed as terminally ill, authorizing a doctor to terminate life in a "painless, humane and dignified manner." The measure would preclude doctors, health professionals and facilities from civil or criminal liability after following provisions for witnessing and/or revoking the directive. Under terms of the initiative, doctors and other health professionals could refuse to end a patient's life if religiously, morally or ethically opposed. (March 5, 1992)

Continuing in circulation:

HEALTH CARE — an initiative constitutional amendment, sponsored by Stephen Schear of Oakland. (October 31st, July 1991 *CJ*)

GAMING COMMISSION. SPORTS WAGERING. LOTTERY GAMES — an initiative constitutional amendment, sponsored by Democratic Assemblyman Dick Floyd of Gardena. (November 4th, July 1991 *CJ*)

LEGAL PRACTICES AND SERVICES — an initiative constitutional amendment, sponsored by Ken Steenolsen of Belmont Shores and Lennis Holm of Fallbrook. (November 15th, August 1991 *CJ*)

VACATIONS, WORKERS — an initiative constitutional amendment, sponsored by Richard Such of Palo Alto. (December 6th, August 1991 *CJ*)

FORESTRY PRACTICES — an initiative statute, sponsored by Barry Fadem of San Francisco. (December 22nd, September 1991 *CJ*)

CIVIL RIGHTS. DISCRIMINATORY CONDUCT. HOMOSEXUALITY. BISEXUALITY — an initiative constitutional amendment, sponsored by Louis Sheldon of Anaheim, Thomas Kwong Jr. of Sacramento, Frederick Price of Los Angeles, and Larstella Parker of Los Angeles. (December 23rd, September 1991 *CJ*)

RECALL OF GOVERNOR WILSON — a petition to recall Governor Pete Wilson, sponsored by Deborah Murray and Teresa Squier of Sacramento, Herbert Redlack of Carmichael, Sharon Moad of Fair Oaks and Corinne Lavorico of Woodland. (January 16th, September 1991 *CJ*)

CAMPAIGN FUNDING. CONTRIBUTION LIMITS — an initiative statute, sponsored by Republican Assemblyman Ross Johnson of Fullerton. (January 13, 1992, October 1991 *CJ*)

INITIATIVE. REFERENDUM. CITY, CITY AND COUNTY CHARTER — an initiative constitutional amendment, sponsored by Richard Gann of Sacramento. (February 7, 1992, October 1991 *CJ*)

Failed to qualify:

LIMITATION UPON GOVERNMENT ACTIONS AND SERVICE IN GOVERNMENT — an initiative constitutional amendment, sponsored by Robert Lochridge of Redwood City and Eric Harlow of Mountain View. (June 1991 *CJ*)

INITIATIVE AND REFERENDUM PROCESS — an initiative constitutional amendment and statute, sponsored by Richard Gann of Folsom. (June 1991 *CJ*)

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"I think he understands that better than he did,' said Democratic Congressman Vic Fazio of West Sacramento.

Fazio, a member of the House leadership, said he foresaw Condit "getting ready for a long and productive career here." He declined comment on Condit's committee assignments, in keeping with the general policy of House Democrats to rally around each other in public.

Condit's increasing comfort in the House and his hiring of some capable new staff members also have increased his standing on Capitol Hill. Several House members and aides independently used the word "growing" to describe this career politician who is still in his first full term in Congress.

"It may have arrested some of the opportunities Gary might otherwise have," Democratic Congressman Bob Matsui of Sacramento said of some of Condit's actions, "but in the long run it'll be okay."

Condit himself declined repeated requests for an interview, apparently because of displeasure over past stories. This refusal to talk to certain reporters has become a trademark; over the past year, he has ignored telephone requests for comments on the congressional pay raise, the U.S.-Mexico free trade pact, gun control, the closure of the largest military base in his district, his political fund-raising and dairy bailout legislation, among other matters. The prolonged silent treatment apparently is part of the same independent-man package he presents to the leadership: a mark of political machismo.

"I know you think I'm thin-skinned," Condit told a reporter not long after coming to Congress, "but you don't know how tough I am."

One issue where Condit seems more vulnerable than tough is when he's compared to his predecessor Coelho. On some issues, such as a provision in the 1990 farm bill eliminating a special break for California's dairy processors, more than one observer suggested that Coelho's absence hurt the state's interests. As the third-ranking Democrat in the House, and as a superbly gifted politician, Coelho undeniably wielded clout that Condit lacks, and that is something Condit knows.

"Gary comes back here with a little insecurity," said one of his Democratic House colleagues. "He has to overcome that. He has to get that behind him."

This colleague, speaking on condition of anonymity, said that Condit "stiffens his back sometimes" and ends up shooting himself in the foot because of his insistence that he not be pressured. At the same time, some of the comparisons with Coelho can become old even to those unsympathetic to Condit.

"I think that's unfair to Gary," one aide to another congressman said of the comparisons. "I wince every time I hear that stuff." Still, with one brief exception, Condit did not hire any of Coelho's Washington staffers. Some of this may have been a deliberate effort to make a break with his predecessor; the hiring practices may also have reflected the fact that Coelho's seasoned and well-regarded staff felt they had better opportunities elsewhere.

In another contrasting sign, Dooley ended up hiring two of Coelho's former Washington staffers as his top aides.

Condit's original legislative director was a smart and hard-working woman who was hindered by her lack of experience on Capitol Hill; his chief of staff, former Assembly aide Mike Lynch, was juggling supervision of both the district and Washington offices. His press secretary worked long hours but lacked the direct access and ability to speak for the office that could have smoothed out Condit's prickly relationship with the press.

"There was a lack of knowledge about Congress," one congressional aide said, and "they didn't want a lesson."

Condit's congressional office has since undergone change. Seven of the 17 permanent employees who worked for Condit in the spring of 1990 are no longer with the office, according to House records. The Condit office also has assumed greater credibility with the hiring of Tony Corbo as administrative assistant and Emily Beizer as the legislative director. Corbo, a former official with the Sacramento office of the American Federation of Teachers, and Beizer, who formerly worked for the highly respected Leon Panetta, get high marks from others on Capitol Hill.

"I'm pretty impressed with her," said longtime Washington lobbyist Bob Will. "That gives [Condit] some damn good backup."

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his own reputation himself. Conservatism marks Condit's reputation.

Condit's voting record, by several measures, is the most conservative of any California Democrat in the House. On certain ideological issues, he sings from the right-wing songbook most often associated with Orange County: mandatory drug testing for Defense Department employees, mandatory drug testing for State Department employees, mandatory drug testing for Coast Guard employees, a constitutional amendment allowing states to ban flag-burning, abolition of the National Endowment for the Arts, opposition to a seven-day waiting period for gun purchases. On each of these issues, Condit was the lone California Democrat to vote as he did.

"Gary may need to change his party and run as a conservative Republican, because that's what he is," said Lee Brooks, a Modesto resident who described himself as a longtime activist in Democratic Party affairs.

By and large, though, his colleagues say that Condit is mirroring what's considered to a conservative congressional district. And by at least one measure, Condit has shown an ability to command district loyalty. He spent more than $1 million of other people's money to win election in 1989, but he paid off the debt relatively quickly and now gets more than half of his campaign contributions from individuals.

In any event, the Democratic leadership is not zealous about commanding loyalty on all political votes.

"You can vote the way you feel is right and the way you think the district demands," said Rick Lehman, a Democratic congressman from Fresno.

On some procedural votes, where the party leadership expects loyalty, Condit has strayed. Last October, for instance, Condit was one of only 11 Democrats to buck the leadership on an arcane procedural vote concerning deficit-reduction measures. In essence, he sided with the Republicans in trying to extend debate and thereby avoid a vote on the Democratic budget proposal. This is the kind of vote "you have to be careful about," Lehman said, because it can be seen as thwarting Democratic control.

Indeed, deviation on procedural votes is considered dangerous enough that several congressional colleagues said they figured that Condit — who by that point had been in office about a year — didn't fully realize the meaning of what he was doing.

While insisting he had no anti-leadership agenda, Condit also dismissed leadership pressure in the House as lightweight compared with the bully-boy tactics he experienced at the hands of Willie Brown in Sacramento. To some extent, others agree.

"The nature of this institution is that power is very diffused," Lehman said. "No one can take your parking spot here. No one can take your subcommittee chairmanship away."

But pressure and expectations still exist. Perhaps it's a different style in Washington than in Sacramento, where one congressional aide likened it to a two-by-four upside the head. In Congress, the heavy-stick approach is not as prevalent, but memories can still be long and knives just as sharp.

And, one aide said, eventually a recalcitrant member may wake up one day, realize that he's losing more than he's winning, and wonder just where things went wrong.

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art by Pierre Babasin

Northern exposure

Big markets await in Canadian neighbor

By Erik Wat and A.G. Block

They may not own chunks of Hollywood, but the Canadians are running neck-and-neck with the Japanese as the largest foreign investors in California.

However, like any good old dependable neighbor, they are often taken for granted: They are not as glamorous as other trading partners. They don't have Japan's cultural mystique or Eastern Europe's excitement over its first-time-ever free market. They are not communists, like Cuba or China. They are too much like, well, us. We even play baseball together.

Despite all that, the Canadians are determined to make their presence felt. They had their first major success in 1988 when President Ronald Reagan and Canada's Prime Minister Brian Mulroney signed the U.S.-Canada Free Trade Agreement (FTA), implemented a year later. The goal of the agreement is to facilitate fair competition and expand investment opportunities between the two countries. And it does so by removing tariffs gradually in a three-phase, 10-year period; by making business travel and investment expansion easier across the border; and by establishing a bi-national commission to resolve disputes.

The FTA had good reviews — for a while. But as the Canadian economy sank into recession, a backlash set in north of the border that cast doubt on the future of the pact. And the jury is still out, with detractors claiming that, at the very least, the FTA will have to be renegotiated and supporters saying it will survive Canada's economic doldrums.

The pact is important to California. With its diverse economy, the Golden State is in a good position to reap benefits from the new trade relationship. According to the California State World Trade Commission, Canada is already "California's second-largest trading partner and the only one among the top six with which the state has a trade surplus." (Not to mention the "importing" of hockey star Wayne Gretzky.) Although it trails Japan, Canada is the fastest-growing major market for California goods. Between 1989 and 1990 Canadian consumption of California goods increased by 22 percent. Japan's increase was 5 percent.

Now that the FTA has removed many tariffs and other non-tariff hurdles, California businesses should be ready to dash across the border for some northern exposure. Anne Chadwick, manager of Agricultural Trade Policy at the World Trade Commission, comments that, prior to the FTA, many small- and medium-sized companies could not afford to

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Erik Wat, a senior at UCLA, was a California Journal *summer intern. A.G. Block is managing editor of the* Journal.

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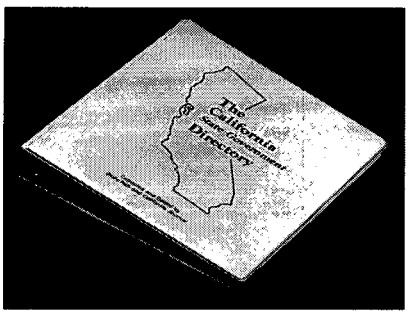

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export and were kept out of the Canadian market of 26 million potential consumers. The wine industry is a good example. The FTA has opened the door for many small wineries at a time when California vintners have had a hard time finding their products in on Canadian shelves.

Increase in export demand also means an increase in job opportunities. The World Trade Commission credits the FTA for creating 120,000 jobs in California: 93,000 export-related and 27,000 provided by Canadian investors.

With all these goodies, it is hard to imagine why the two countries did not do the neighborly thing sooner. The fact is, they tried. Chadwick describes the FTA as a result of "a complicated process." Trade negotiations have a history that dates back to the pre-Civil War era, even before Canada became a nation; but something always went wrong. During the Civil War, Canada, under the leadership of Great Britain, supported the South. In the early 1900s, the United States was isolationist, and protectionist policies became the norm.

The main thrust of the Free Trade Agreement is to reverse protectionism, which has proven for decades to be a hard habit to break. Now that the two countries have licked it, they are not looking back. "Protectionism counteracts free market and fosters inefficient production. It doesn't let resources flow to efficient places," Chadwick says.

"There are significant advantages of trading rather than producing everything ourselves," says William Cavitt, director of Office of Canada at the U.S. Department of Commerce. "With a greater market, both countries are better off, in terms of riches and social welfare."

There is also an economic necessity to free trade: international competition. FTA pulls the two countries together, treating them almost like one continental economy, instead of two national ones, Cavitt says. When the two put their resources together, they are better prepared for the international market.

For John Crosbie, minister of international trade for Canada, the FTA could not have come at a better time. In the recent *Harvard International Review*, he argued that globalization of the international market forces each nation to compete or die trying. "For business, it has meant that previously sheltered industries are having to adapt both to foreign competition and to expand into new markets. Firms that fall behind become increasingly vulnerable," he says.

Dennis Goresky, consul of public affairs to the Canadian Consul General in California, agrees. "FTA can pull our economies by a bootstrap," he said. "Our problem is not each other. Our problem is Europe. Our problem is Asia." This is why he believes that the current trade talk with Mexico is the next logical step. A free trade agreement among the three countries can "create a real North American market with fewer trade barriers and strengthen international competitiveness of the three countries," says Goresky.

Those industries in California that have been affected by the agreement are generally very supportive. Even during the recession, that support has not waned. Says Cavitt: "In times of recession, small- and medium-sized businesses have enormous export potential. When domestic market is stale, they can make up the shortfall in foreign markets."

Chadwick acknowledges that recession at home often makes a foreign market more attractive "as long as it is an economically viable market."

That poses the question: Is Canada economically viable for California businesses?

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Not only is Canada in a recession that is even deeper than ours, the free-trade agreement no longer has public support. In a recent Gallup Poll, 52 percent of Canadians oppose free trade. They consider the FTA "a betrayal of the public trust by Prime Minister Brian Mulroney and his Conservative Party government," *The Washington Post* reported. And Mulroney's approval rating has fallen to 15 percent. "There are more people who believe that Elvis is still alive than approve of Mulroney's trade policies," quips Derik Hodgson of the Canadian Labor Congress, the Canadian version of our AFL-CIO — a major critic of the FTA. Furthermore, the opposing Liberal Party and New Democratic Party are gaining ground, making the prospect of a Conservative majority in 1992 as likely as Elvis returning to the stage.

Considering that Mulroney and his party captured the majority just three years ago carrying the same free-trade platform, this is a significant change of heart on the part of the Canadians. But they are not exactly groundless.

The Canadian unemployment rate was 9.8 percent in June. It was only 7.4 percent in January 1989, the beginning of the free-trade implementation. The Canadian Labor Congress attributes the loss of 226,000 jobs within the last two years to the FTA. Hodgson maintains that these job losses "have little to do with foreign competition. Multinationals are naturally going to places where operations are the cheapest and where environment and safety laws do not affect them."

Hodgson further points out that, at the end of the last recession in 1982, Canadians saw jobs coming back. "It won't be so this time," he said. "Let's take the example of the auto-parts industry. To date, 56 plants have closed down and these are free-trade-driven job losses [as opposed to recession-driven]. They are not going to come back."

Many disagree that the FTA is the main culprit of the economic downturn in Canada. In a survey done by the Royal Bank of Canada, one of the nation's largest, "respondents overwhelmingly cite high labor costs, taxation, interest rates and the Canadian dollar as the major reasons [for job losses]. The FTA came in as the last of eight factors." In fact, one of the conclusions of that survey is that "the FTA may even have moderated the impact on the recession in some industries."

Another study done by David Elton, president of Canada West Foundation, a non-partisan research organization active in economic and public-policy issues, reaches a similar conclusion. He feels that "the FTA has been neither nirvana nor doomsday." Nevertheless, he believes that it is too early to access the impact of the agreement. "In the first two years of operation, given the difficult macroeconomic circumstances, the Free Trade Agreement has worked reasonably well," he concludes.

Elton's study also calls the attribution of job losses to the FTA misleading. "The conclusion was that the large majority of jobs would not be directly affected by FTA, and that more jobs were in industries in support of the agreement than in opposed industries.

"... job losses in auto companies, airlines, fishing, breweries, trucking, railways, are being mistakenly and irresponsibly blamed on a trade policy which left these sectors exempt or untouched," the study indicates.

The study notwithstanding, Canadians do not see it that way. One of the major laments of FTA supporters is that the media has given plant closures and job layoffs the spotlight while plant expansion has gone unnoticed. Moreover, opposition parties, riding on increasing public support, have vowed to abrogate or at least weaken the FTA once they are in the position to do so. "The future of the FTA is uncertain," Hodgson believes. "Every entrepreneur has to weigh that into their decision." He has a point. When a nation's leader's approval rating is not that much higher than its unemployment rate, something's got to give.

Earl Fry, a political economist at Brigham Young University and originally a Californian, also believes that Mulroney has little chance of holding onto his power. But he is positive about the future of the FTA. For him, the end of Mulroney does not mean the end of the FTA.

"In my conversations with other Canadian academics," Fry says, "I think the general feeling is that it is going to be difficult for any party to ask for any significant changes in the free-trade agreement." Calling the promise to abrogate the FTA mere "rhetoric," he said: "It is not that easy to undo a trade agreement with a country where 75 percent of your exports go. It simply costs more to make changes."

He also points out that a significant portion of the Canadian business community, mostly large- and medium-sized, wants the FTA intact because it wants continual access to the U.S. market of 250 million people. In fact, it was the business sector who requested the acceleration of tariff removal on some 400 items that eventually constituted $3 billion in trade.

Percy Eastham, the Canadian consul general in California, shares the optimism of Fry, noting that the Liberal Party has already softened its stand against the FTA from outright repeal to renegotiations.

Eastham argues that Canada is as economically viable as ever. It has a net surplus of $5 billion of foreign investment, the first such surplus in 10 years. That is an indication of how much foreign investors believe in the future of Canada, he says.

Neither has the recession squelched the demand for U.S. products. In 1990 Canadian consumption of U.S. exports was well over $3000 per capita, 10 times that of the European Community. In fact, not only is Canada one of our nation's largest trading partner, this trade relationship is one of the largest of the world.

Asked if the Canadian recession is a cause for concern for California businesses, Fry replies, "If they can find a niche there, it is not going to be a problem."

So far, those industries that have found their niches up north include the entertainment, aerospace, computer, automobile and agriculture industries. Fry also says that investors can take advantage of those factors, such as energy and health care, that are more cost-effective in Canada.

What usually keeps businesses out of the lucrative Canadian market is fear of the unknown, says Chadwick. "They have to do their homework. They have to do market research to find out who the competition is, what the demands are. They also have to find good distributors." Fortunately, there are federally operated export assistance programs to help those who are interested in expanding their markets.

The Department of Commerce also tries to allay some of the export anxieties. Cavitt believes that Canada offers opportunities for California businesses like no other: "Canada is one of the most desirable places for infrequent exporters to learn the trade. We have a similar economy, a common language, and similar business practices, attitudes and outlooks. This is what we have been trying to stress to businesses. There is no better place to get your feet wet."

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Bob Matsui

When Bob Matsui began talking last year about running for the U.S. Senate seat held by Alan Cranston, reporters and political insiders were skeptical. After all, the Democratic congressman from Sacramento had talked in past years about running for state attorney general and senator, only to shy away from the demanding task of campaigning statewide in the largest state.

FOR 1992, MATSUI INSISTED HE WAS READY, willing and not about to shrink away from the challenge. By spring of this year, however, Matsui had done it again. He abandoned his potential Senate candidacy, citing in this case the compelling need to care for his ailing father.

Those who know Matsui well say there were other problems as well, including increasingly strained relations with his brilliant but temperamental and costly campaign manager, Clint Reilly — the same operative who became famous by "firing" candidate Dianne Feinstein for insufficient zeal in the 1990 Democratic campaign for governor.

But Matsui, who is 50, isn't sitting around and moping about the campaign he might have run. Freed from filial responsibility by the death of his father in August, Matsui has taken on a major, visible new role in national Democratic politics. In September, he was named treasurer of the Democratic Party by party chairman Ron Brown.

Whether driven by desperation or a spirit of innovation, Brown broke with tradition by naming two incumbent officeholders to the party's top money-raising positions: Matsui as treasurer and Senator Jay Rockefeller of West Virginia as national finance chairman. Like Matsui, Rockefeller had been pumped to run a campaign, but the hyper-wealthy senator was at loose ends after he decided not to run for president on the grounds that he was not ready for the prime time of American politics.

Both men will be expected not only to come through with money for the cash-starved party but also to help carry its message across the country as leading spokesmen next year.

Matsui acknowledged that 1992 is not looking like a year when the "smart money" will flow like a mighty river toward the Democrats. "I know the smart money is suggesting that [re-electing President] Bush is automatic," Matsui said. "I wouldn't have taken this job if I felt this was the situation. What I see in the public right now is a lot of dissatisfaction with both parties.

"The Democratic candidates who are emerging are not well-known people," he said, "but that's for a reason. Some [potential candidates] may have taken a pass because they thought Bush was inevitable. But I also don't think an 'insider' message will sell. You need an outsider."

Matsui is very much an insider, a player in the party's congressional establishment as a member of the Budget Committee and, even more important, of the tax-writing Ways and Means Committee. The latter panel is a magnet for special-interest money, which may be one reason why Matsui has accumulated a political nest egg in his own campaign fund that he recently estimated at $825,000. He can squirrel that money away for future campaigns as he faces an election year when, barring any surprising twists in reapportionment, he should be facing an easy run for a safe House seat.

A lawyer and former member of the Sacramento City Council, Matsui won election to the House in 1978. As a baby, Matsui and his family had been forced to move when Japanese-Americans were sent to internment camps after Pearl Harbor. He was one of the members of Congress who fought to win redress legislation in 1988 that is providing compensation to survivors of that wartime injustice.

As a member of the key House committee that handles trade issues, Matsui has been as eager as any other politician to denounce Japan for unfair trade practices. He shrugs off the notion, voiced by some Asian-Americans, that there is a touch of racism to Japan-bashing rhetoric.

His Ways and Means seat should help Matsui raise cash from big business for the national Democratic Party in the year ahead, as should his own pro-business bent. Matsui argues that the Democrats should campaign as the party of economic growth, a theme he promotes with such personal legislative goals as support for "a limited, targeted capital gains [tax cut] for venture capital funds" and "a very limited investment tax credit — certainly for machinery and equipment."

Matsui is among the centrist Democrats who urge the party to champion the forgotten middle class. The Japanese-American politician sees no contradiction in also urging the Democrats to promote a bigger role for minorities.

"The Asian community has been moving to the Republican Party," Matsui said, "and we Democrats have a task ahead of us. Democrats, particularly liberal Democrats, don't seem to understand what's happening in the country. They seem to think if you're a minority, you should be for every one of their causes." Matsui argues that many Asian-Americans and Hispanics are part of an "upwardly mobile" generation of "small entrepreneurs" with distinctly middle-class concerns.

Not long ago, the congressman had been talking of building a winning coalition in next year's Senate race from an alliance of conservative and middle-class white Democrats with emerging minorities.

DOES MATSUI HARBOR AMBITIONS OF RUNNING for statewide office in the next few years? Having learned a thing or two, he turns uncharacteristically coy.

"That was the mistake I made," he said. "Somebody would ask, and I would say 'sure.' It's better for me not to speculate because that's the problem. I've been speculating with people, and it's just got me into trouble."

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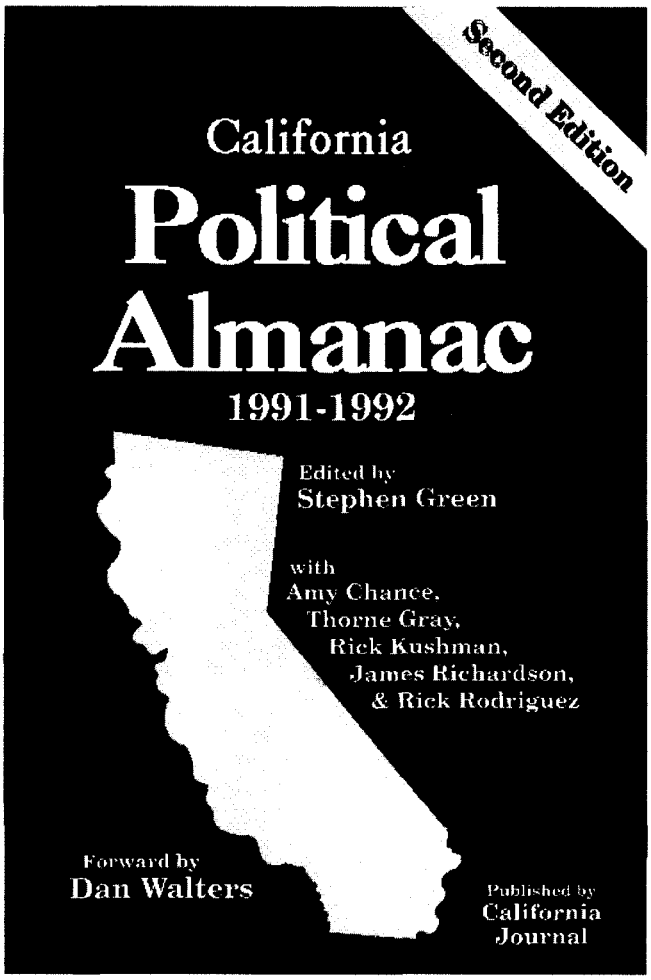

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